

By Mr. SEARS: A bill (H. R. 16023) for the relief of Charles H. Craig; to the Committee on Military Affairs.

By Mr. SPARKS: A bill (H. R. 16024) granting a pension to Martha Breaky Ellis; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 16025) for the relief of Edwin C. Jenney, receiver of the First National Bank of Newton, Mass.; to the Committee on the Judiciary.

By Mr. SUMNERS of Texas: A bill (H. R. 16026) for the relief of George Lee Moreland; to the Committee on Military Affairs.

By Mr. TABER: A bill (H. R. 16027) granting an increase of pension to Helen Camp Heath; to the Committee on Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 16028) granting an increase of pension to Nelly Sharp Bennet; to the Committee on Pensions.

Also, a bill (H. R. 16029) for the relief of George Doughty; to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 16030) granting an increase of pension to Susan Kennedy; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of West Virginia: A bill (H. R. 16031) authorizing the Secretary of War, under the direction of the President, to order Joseph E. Myers, major, United States Army, retired, before a retiring board for a rehearing of his case, and upon the findings of such board either confirm his retirement under the provisions of section 24-b, act of Congress of June 4, 1920, or place him on the retired list, as provided by section 1251 of the Revised Statutes, for disability incurred in line of duty; to the Committee on Military Affairs.

By Mr. WYANT: A bill (H. R. 16032) granting a pension to Mabel Irene Patterson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8489. By Mr. BLOOM: Petition of residents of New York State, urging the passage of House bill 7884 providing for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8490. By Mr. CHRISTGAU: Resolution of the members of the Meighen-Thompson Post, No. 161, of the American Legion at Le Roy, Minn., expressing approval of legislation providing for the immediate cash payment of the adjusted-service certificates; to the Committee on Ways and Means.

8491. By Mr. CLARK of Maryland: Petition of American Public Health Association upon tick-borne diseases, urging Congress to pass an act authorizing the bureau of the Public Health Service to take over the laboratory located at Hamilton, Mont., and extend the scope of the work as may be deemed necessary by the Surgeon General of the Public Health Service; to the Committee on Agriculture.

8492. By Mr. GLOVER: Petition of the Arkansas State Drought Relief Committee, urging the early appropriation by the Federal Congress of sufficient funds to insure the establishment where necessary and for the maintenance of adequate health and medical service to protect health and life and relieve suffering; to the Committee on Appropriations.

8493. By Mr. GOLDSBOROUGH: Petition of the Old Kent Chapter, Daughters of the American Revolution, requesting the Federal Government to complete the work at Fort McHenry by properly restoring and maintaining the ground under the supervision of the War Department; to the Committee on Military Affairs.

8494. By Mr. HOGG of West Virginia: Petition of Lowell C. Kelly, of Henderson, W. Va., requesting the passage of legislation authorizing the cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8495. By Mr. KVALE: Petition of the Mollie Stark Branham Chapter, Daughters of the American Revolution, Litchfield, Minn., urging immediate enactment of Senate bill 51, to restrict immigration; to the Committee on Immigration and Naturalization.

8496. Also, petition of Charles E. Reed and 21 ex-service men of Raymond, Minn., urging vigorous support of Patman bill, H. R. 3493; to the Committee on Ways and Means.

8497. By Mr. McKEOWN: Petition of American Legion officials of the Webster-Schrack Post, Barnsdall, Okla., favoring the payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8498. By Mr. MEAD: Petition of Maritime Association of Port of New York, with reference to increasing hours of operation on Panama Canal; to the Committee on Interstate and Foreign Commerce.

8499. Also, petition of New York Conservation Association, re certain items in the agricultural appropriation bill; to the Committee on Appropriations.

8500. Also, petition of Sons of the Revolution of New York, for the creation of a national park at New Windsor, N. Y., the camp ground of the American Army in 1782 and 1783; to the Committee on Military Affairs.

8501. By Mr. SMITH of West Virginia: Resolution of the Parent-Teachers Association, of Sprague, W. Va., asking that the radio wave lengths to be allocated by the Government be so distributed that the agencies of education may be assigned at least 12 per cent of all broadcasting channels; to the Committee on the Merchant Marine and Fisheries.

8502. By Mr. STONE: Petition of Farmers Organization of Oklahoma, urging that the agricultural marketing act be given a fair trial, and oppose all agitation for its repeal; to the Committee on Agriculture.

8503. By Mr. WYANT: Petition of Forest Home Lodge No. 159, Brotherhood of Railway Trainmen, advocating that busses, trucks, inland waterway, and other forms of transportation be placed on a basis of regulation of operation, rates, taxation, etc., the same as railroads; to the Committee on Interstate and Foreign Commerce.

8504. By Mr. YATES: Petition of Dr. William W. Sweet of the University of Chicago, Chicago, Ill., urging the passage of House bill 12549, known as the Vestal bill, which is a bill to protect the rights of copyright property; to the Committee on Patents.

8505. Also, petition of Mr. L. G. Elliott, 4101 Michigan Avenue, Chicago, Ill., protesting the passage of any legislation increasing postal rates on first-class postage; to the Committee on the Post Office and Post Roads.

8506. Also, petition of J. D. Silberman & Sons, 1117-1125 West Thirty-fifth Street, Chicago, Ill., protesting the passage of any legislation that will increase the rate of first-class postage from 2 cents to 2½ cents; to the Committee on the Post Office and Post Roads.

SENATE

SATURDAY, JANUARY 10, 1931

(Legislative day of Monday, January 5, 1931)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 34) to pay the Sussex Trust Co. a sum equal to six months' compensation of the late Napoleon B. Hearn, with an amendment, in which it requested the concurrence of the Senate.

FEDERAL POWER COMMISSION—PERSONAL EXPLANATION

Mr. BLEASE. Mr. President, yesterday afternoon I was absent. I had a general pair with the Senator from Maine [Mr. GOULD]. The statement which he made with reference to myself and his pair was absolutely correct.

Had I been present, I should have voted not to reconsider. My reason therefor was that I voted against each one of the nominees whose nominations were under consideration. I also voted against the other two. I do not think we should have reconsidered three without recon-

sidering all; and I hope the President of the United States will reach the conclusion that after he commissions a man he has not any right, legally or otherwise, to withdraw that commission unless he be authorized to do so by the Senate by a two-thirds vote.

I am further of the opinion that he has no jurisdiction after he commissioned these men and they qualified as officials to rescind his action. I am further of the opinion that when the Senate fumbled the ball, as football players say, and it passed over into the lines of the President, they certainly had no reason, if true sportsmen, after they have fumbled the ball to expect Mr. Hoover to push it back to them and give them another opportunity.

For these reasons I certainly should have voted not to have reconsidered the nominations of these men, notwithstanding the fact that I did vote against their confirmation. I hope the President for once in his life will prove that he is a man and say to the Senate that the matter has passed beyond their jurisdiction and his and that he does not consider himself in a position to return those nominations to this body.

GOVERNMENT OF PORTO RICO—ORGANIC ACT

Mr. BINGHAM. Mr. President, I ask that there may be referred to the Committee on Territories and Insular Affairs and printed as a petition or memorial a statement from the president of the Senate of Porto Rico and the speaker of the house of representatives, relative to amendment of the organic act of Porto Rico.

There being no objection, the statement was referred to the Committee on Territories and Insular Affairs and ordered to be printed in the RECORD, as follows:

[Cablegram]

SAN JUAN, P. R., January 8, 1931.

CORDOVA DAVILA,

*Resident Commissioner from Porto Rico,
Washington, D. C.*

For Senator BINGHAM, chairman Senate Committee on Territories and Insular Affairs, and Representative KNUTSON, chairman House Committee on Insular Affairs.

On behalf of the majority of the Legislature of Porto Rico, composed of senators and representatives belonging to the Alianza, Republican, and Socialist Parties, we have the honor to inform you that we indorse the bills under consideration by Congress to amend the organic act of Porto Rico and we recommend their approval as necessary to the better operation of the government of the island and to the solution of urgent problems of social and general importance.

LUIS SANCHEZ MORALES,
President of the Senate of Porto Rico.
MANUEL F. ROSSY,
Speaker of the House of Representatives.

REPORTS OF COMMITTEES

Mr. McMASTER, from the Committee on Military Affairs, to which was referred the bill (S. 4537) to relinquish all right, title, and interest of the United States in certain lands in the State of Louisiana, reported it with an amendment and submitted a report (No. 1265) thereon.

Mr. BROUSSARD, from the Committee on Naval Affairs, to which was referred the bill (S. 4800) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, reported it with an amendment and submitted a report (No. 1266) thereon.

ENROLLED BILL PRESENTED

Mr. GILLET, from the Committee on Enrolled Bills, reported that on to-day, January 10, 1931, that committee presented to the President of the United States the enrolled bill (S. 3273) to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of certain classes of mail matter and to fix the fees chargeable therefor.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

A bill (S. 5642) granting an increase of pension to Margaret Hunt (with accompanying papers); and

A bill (S. 5643) granting a pension to Mabel S. Pickup (with accompanying papers); to the Committee on Pensions.

By Mr. FESS:

A bill (S. 5644) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended; to the Committee on the Library.

By Mr. McNARY:

A bill (S. 5645) to confer certain benefits on certain persons who served under the jurisdiction of the Quartermaster General; to the Committee on Pensions.

A bill (S. 5646) for the relief of the next of kin of Fred H. Hazard; and

A bill (S. 5647) for the relief of S. N. Kempton; to the Committee on Claims.

By Mr. KING:

A bill (S. 5648) providing for judicial review of certain decisions of executive officers; to the Committee on the Judiciary.

By Mr. BLACK:

A bill (S. 5649) for the relief of the State of Alabama and certain former officers of the Alabama National Guard; to the Committee on Claims.

By Mr. HEFLIN:

A bill (S. 5650) granting a pension to William H. Ferguson; to the Committee on Pensions.

By Mr. CONNALLY:

A bill (S. 5651) granting a pension to Ellen Loughborough; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 5652) for the relief of W. C. Redman (with accompanying papers); to the Committee on Military Affairs.

By Mr. STEIWER:

A bill (S. 5653) granting an increase of pension to Helanah Jane Fellows (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5654) to authorize the Commissioners of the District of Columbia to sell parcel 31/17, known as the powder-house site; and

A bill (S. 5655) to authorize the Commissioners of the District of Columbia to close streets, roads, highways, or alleys in the District of Columbia rendered useless or unnecessary, and for other purposes; to the Committee on the District of Columbia.

By Mr. COPELAND:

A bill (S. 5656) to extend section 8 of the food and drugs act of June 30, 1906, as amended, to the false or deceptive advertising of drugs; to the Committee on Agriculture and Forestry.

By Mr. BROOKHART:

A bill (S. 5657) to divest certain telegraph messages of their interstate character; to the Committee on Interstate Commerce.

A bill (S. 5658) granting a pension to Orpha Blanche Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5659) authorizing rental payments to Houston Cotton Exchange for space used by classification committee of United States Department of Agriculture; to the Committee on Claims.

By Mr. NORBECK:

A bill (S. 5660) granting an increase of pension to Henrietta Steele (with accompanying papers); to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 5661) granting an increase of pension to Mary E. Boyd; to the Committee on Pensions.

A bill (S. 5662) for the relief of Samuel Goozee; to the Committee on Military Affairs.

By Mr. SMITH:

A bill (S. 5663) for the relief of W. A. Frink; and

A bill (S. 5664) for the relief of Florence M. Humphries; to the Committee on Claims.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 231) to further provide for defraying the expenses of the International Water Commission, United States and Mexico; to the Committee on Foreign Relations.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 15592, the first deficiency appropriation bill, 1931, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 9, line 24, insert the following: "and for the highway authorized by the act approved June 5, 1924 (43 Stat. 423)."

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

Mr. SWANSON submitted an amendment intended to be proposed by him to House bill 15593, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 25, line 7, after the word "posts," to strike out the figures "\$15,865,913" and insert "\$15,874,013," and in line 7, after the word "which," strike out the figures "\$1,414,292" and insert "\$1,422,292."

SUSSEX TRUST CO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 34) to pay the Sussex Trust Co. a sum equal to six months' compensation of the late Napoleon B. Hearn, which was, on page 1, line 4, to strike out "Sussex Trust Co., executor" and insert "executor of the estate."

Mr. TOWNSEND. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

WELFARE OF MOTHERS AND INFANTS

The VICE PRESIDENT. The Senate resumes the consideration of Senate bill 255, the unfinished business.

The Senate resumed the consideration of the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. BLACK obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator from Alabama yield to me that I may have an editorial from the New York World read?

The VICE PRESIDENT. Does the Senator from Alabama yield for that purpose?

Mr. BLACK. I yield if it will not take too long.

Mr. BARKLEY. It is not very long.

Mr. BLACK. Very well.

"THE DEMOCRATIC PARTY LOOKING FORWARD"

Mr. BARKLEY. I ask unanimous consent that the clerk read an editorial appearing in the New York World of to-day entitled "The Democratic Party Looking Forward."

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the New York World of Saturday, January 10, 1931]

THE DEMOCRATIC PARTY LOOKING FORWARD

Mr. Shouse, the chairman of the Democratic National Committee, was probably right when he said two days ago that whether or not the Democrats organized both Houses of the next Congress, "as the sole coherent group" they "will dominate and direct legislation." He then went on to say that the Democratic Party recognized a double duty: "One to prevent, so far as possible, the recurrence of these panic periods"; the other to adopt measures in advance to minimize the distress which accompanies them. As an example of the second sort, Mr. Shouse named the bills introduced by Senator WAGNER as early as 1928, which were blocked by the administration forces in the House.

There is an important distinction here which Mr. Shouse, as one of the Democratic leaders, will do well to emphasize strongly in the coming months. The Wagner bills are measures designed to create employment and to relieve distress in times of depression. They do not pretend to prevent depression, but merely to make it

less acute. They are obviously desirable in principle and ought to be adopted. But they must not be confused with the much more difficult matter of minimizing the violence of the business cycle. There the rôle of statesmanship is much less clearly understood.

It is for this difficult task that the Democratic Party will be called upon to supply leadership as 1932 approaches. The time is already at hand when by candid discussion a beginning should be made toward clarifying the purposes of the party. The prevailing economic depression is the culmination of a decade in which throughout the world nations, our own well up in front, have sought to attain prosperity by the method of tariffs, subsidies, price controls, inflation, and national isolation. The supreme question for the Democratic Party to determine is whether it intends to take the leadership in an opposite direction or to go on in the direction we have been traveling for 10 years.

The pressure to go on, rather than to change direction, will be very great. The party will be sorely tempted to try to win the West by adopting some plan or other to raise farm prices by governmental action; it will be sorely tempted to buy support in the East and in the new industrial South by a policy of high protection; it will be beset by the fears of those who are terrified at the idea of international cooperation. It is possible that the party can win in 1932 by such policies as these. The unpopularity and demoralization of the Republicans may insure a victory. But it will be a victory by default, and, in our judgment, it would have no significance and no permanence. The Democrats would remain the minority, raised to power not for their own merits but because the country is for the moment tired of the Republicans.

The other course requires more courage and wisdom. It would involve the application and extension to modern conditions of the historic Democratic principle of seeking to free trade from governmental restriction and manipulation and to substitute voluntary cooperation for political control. The pursuit of this principle would call for the steady, deliberate revision of the tariff downward, the abandonment of governmental price-fixing schemes, the discouraging of artificially maintained price controls, the encouragement of voluntary consolidations and cooperative undertakings, the emancipation of the world from the burden of political tribute, and a mature acceptance of the fact that America is a world power and has a vital interest in the maintenance of peace.

There will be great opposition within the party to such a course. But, in our judgment, if the Democratic Party takes this course, summoning to its standard the men who sympathize with a new national economic policy, it can win not merely in 1932 but it may alter the political alignment of the American Nation. The Republican Party, as administered by Messrs. Hoover, Fess, Watson, and their kind, has ceased to represent the interests of the masses of the people and the judgment of enlightened men. It can be displaced as the dominant party if the Democrats have the sense and the nerve to take the leadership in a rôle which, as it happens, conforms to their best traditions.

MUSCLE SHOALS

Mr. BLACK. Mr. President—

The VICE PRESIDENT. The Chair thinks he should call the attention of the Senator from Alabama to the fact that he has only 15 minutes under the unanimous-consent agreement.

Mr. BLACK. I have 15 minutes on the bill and 5 minutes on amendments, I understand. If the bill is again laid aside, I can acquire the floor again at that time if I do not conclude within the time limit now.

The VICE PRESIDENT. Certainly. The Chair thought it his duty to call attention to the unanimous-consent agreement.

Mr. BLACK. I thank the Chair. I was merely stating the fact that if I were not granted an extension of time if I need it now, that in order to conclude my remarks I might obtain the floor again and talk for a few minutes on the same subject.

The VICE PRESIDENT. The Senator can do that.

Mr. BLACK. Mr. President, I desire to talk for a few minutes on a subject which is not new to the Senate. It usually empties the Senate to speak on the subject of Muscle Shoals. Either everyone already knows all about Muscle Shoals or does not desire to know any more, as a rule.

I want to begin by saying that the idleness of the nitrate plant at Muscle Shoals for the last 10 years is a national crime and a national disgrace. The public has obtained the idea in some way that the only question involved in Muscle Shoals is power. In so far as the South is concerned, the vital question at Muscle Shoals is fertilizer.

I invite the attention of the Senate to the fact that 12 Southern States last year used more than 65 per cent of all the fertilizer used in the United States. Fertilizer is a problem which peculiarly affects the South. I state now, after a thorough investigation, that in my judgment if the nitrate plant were put to work it would give employment to

thousands of men, would not displace any men who are now working in the United States, and would greatly and materially reduce the price of fertilizer to the farmers of the Nation.

I desire to announce now that if there should be no Muscle Shoals legislation at this session it is my intention to join with any group to utilize any legitimate method for the purpose of bringing on an extra session of the Congress in order that this long-delayed problem may be settled in the immediate future.

I desire to make another statement with reference to the bill, and I sincerely trust my southern colleagues may take note of this statement with me. In so far as I am concerned, it is my intention to do my best to see that no bill passes the Senate which does not recognize the fact that fertilizer is of prime importance, and that it is not peculiarly and exclusively a proposition for power. I have no quarrel with those who desire the surplus power to be sold to States, counties, and municipalities, with the preference to them. I agree with that policy. I am opposed to 1 kilowatt of the power going into the lines of any private power company for private exploitation. The plant was not built for that purpose. It should not be utilized for that purpose. But first and foremost, if those Senators who represent the South stand by the thing which is of most interest to the South, they will see that no bill passes the Senate and becomes a law which does not provide first and foremost for the manufacture of fertilizer to reduce the price to the starving farmers of the South.

I call attention to the fact that the fertilizer bill of this Nation last year was more than \$300,000,000. I call attention to the fact that the fertilizer bill of the farmers of Alabama last year was more than \$23,000,000; the fertilizer bill of the farmers of North Carolina was more than \$46,000,000; the fertilizer bill of the farmers of Georgia was more than \$30,000,000; the fertilizer bill of the farmers of South Carolina was more than \$25,000,000; the fertilizer bill of the farmers of the State of Washington was \$612,000; the fertilizer bill of the people of Oregon was \$350,000; the fertilizer bill of the people of Nebraska was \$27,500; the fertilizer bill of the people of Nevada was \$7,500.

The fertilizer question is no problem to the people of the West, but it is a problem to the people of the South. The southern people expect the representatives of the South in Congress to stand by the South and to stand by the southern farmer and see that no legislation gets by here that does not provide first and foremost for the manufacture of fertilizer.

I do not care personally whether the fertilizer is manufactured by the Government, by a cooperative association, or by private industry, provided the proper safeguards are put around it. But I do say that, first and foremost, the problem of the people of Alabama and of the South is the reduction of the price of fertilizer to them. I invite the attention of Members of the Senate to the fact that last year in the State of Alabama, according to Government statisticians, the fertilizer bill of every farmer in the State for every pound of cotton was 1.93 cents. Practically one-fourth of every pound of cotton raised in the South, so far as its selling value is concerned, had to be paid out by the Alabama farmer for fertilizer. The same thing is true with reference to North Carolina, South Carolina, and the other States of the South. It is not a problem to the other sections of the country, but it is a problem to the people of the South.

I join with those who do not desire the Power Trust to exploit any further the people of the Nation with its avarice and greed. I am opposed to their extending their tentacles in order to envelop the Nation in their meshes. I have voted that way, and I intend to continue to vote that way. I am not in favor of 1 kilowatt of this power going into the lines of the Alabama Power Co. or any other power company, but I say that, first and foremost, before anything else is done with the power, it shall go to reduce the price of fertilizer to the farmers of my State who are being

broken down by the Fertilizer Trust. What good will it do to protect them from the Power Trust with which they do not yet have to deal if, before they are protected, they lie there starved to death by reason of having to pay too high prices for fertilizer?

I invite Senators who represent the Southern States, who are vitally interested in the problem of fertilizer, to join me in the position I take, which is twofold, first, that if some measure is not passed within the immediate future in order to settle this long-pending Muscle Shoals problem, we join with any group actuated by any motive to bring about an extra session and obtain action on the Muscle Shoals question; and, second, that no bill shall get by the Senate that does not provide, first and foremost, that before any power goes out in order to enrich industry, it shall be provided that the farmers of the Nation, including the farmers of the South, shall be relieved from the exorbitant fertilizer prices which they have been paying.

I invite the attention of the Senate to the fact that although it has been said so long that many people have come to believe from repetition that the cyanamide plant at Muscle Shoals is obsolete, last year we imported into this country more cyanamide for fertilizer than could have been manufactured at the plant at Muscle Shoals. I invite attention to the fact that the fertilizer was manufactured by workmen living in foreign countries. I invite attention to the fact that if the Muscle Shoals plant were put to work it would to-day, in this serious time of depression and unemployment, give employment to thousands and thousands of men who are now hungry, and thus enable them to be gaining an honest livelihood. Thousands and thousands of them could be given employment. I do not care whether the nitrogen shall be manufactured by one process or another, but I say that fertilizer is a serious problem to my people, a serious problem to the people of the South; and, after all, I claim that this project which is located in the South, in my State, is a southern project. I claim that it was dedicated and intended to be devoted to the advancement of agriculture; that was the purpose for which the plant was built. If we who represent the South are to sit silently by and permit any kind of a bill which fails to provide for the manufacture of fertilizer to become a law, I say that it would be a gross betrayal of the people of our States and of our section.

I call attention to the fact that in 1929, in addition to 50,000 tons of cyanamide fertilizer which came into this country, more than a million tons of Chilean nitrates were shipped into our borders. It was said that private business would take care of it, but private business has not done so. In the year before the World War we imported 600,000 tons of Chilean nitrates; in 1929 we imported more than 1,000,000 tons. The great country of Germany before the World War imported 800,000 tons of Chilean nitrates; last year it imported less than 25,000 tons, and was exporting nitrates to this country. Germany to-day in the case of nitrates is on an export basis. To-day, if we should again have a war, as in the early days of the World War, it would be the duty of this Nation to send its Navy to protect the coast of Chile.

In addition to that, the farmers of the South, the people whom I represent, the people whom other southern Senators represent, will pay this year, as they paid last year, more than 25 per cent of the expenses of the operation of the Chilean Government. They have done so every year since the plants at Muscle Shoals have been lying idle. That is not fair, it is not right, and in the future it ought not to be permitted to continue.

There has been much talk about relief of the farmer. I propose something that will relieve him. I do not propose the appropriation of \$150,000,000 to be dropped in the wheat pit or to be dropped on the cotton-exchange market; the farmers get no good out of that and it ought not to have been permitted, in the first place; but if Congress will enact a law providing, first, for the manufacture of fertilizer in the Southern States and the fixation of nitrogen it will do something that will really give the farmers of this Nation relief.

I do not desire that there shall be any ground for misunderstanding with reference to the surplus power. I stand for the use of that power by the people; I would not have one kilowatt of it go into the lines of any private power company; I desire preference to be given to the States, counties, and municipalities. I am not indebted to the private power companies in any way whatsoever. I desire the power which shall be generated at the people's plant by the people's money to be used for the benefit of the people. First, however, I want it used for the benefit of the farmers, who in the beginning were promised that that would be done.

I call attention to the fact that it would reduce the price of fertilizer. In 1928 the port price of Chilean nitrate was \$47; in 1930 it was \$43. It was costing the southern farmer \$60 a ton at retail or about 20 cents a pound of nitrogen content. Mr. Charles J. Brand, in a speech which has been received by every Senator within the past week, makes the statement in opposition to Muscle Shoals legislation that the synthetic product, the same as the nitrates that come from Chile, can be manufactured in this country for \$25 per ton. Senators can see that that would mean practically a 50 per cent saving to the American farmer.

If the conferees can not reach an agreement, if they disagree or if the Muscle Shoals bill should otherwise fail, it is my intention to introduce a bill immediately, and I desire now to suggest it in the open Senate in order that it may be considered by the conferees. I believe it should meet with the approval of the House, the Senate, and the President. I have prepared and shall introduce a bill, if a disagreement shall occur. It is now in the form of an amendment. I propose and suggest that the best way to operate this plant so that everybody will know it is to be used for the farmer is to lease it to a cooperative association of farmers, providing in the law that it shall not be operated for profit, that no dividends shall be paid, but that it shall be operated for the purposes originally contemplated.

I propose by the amendment which I shall offer to some bill which comes up hereafter, or I shall offer it as a separate bill, to provide that the President shall be authorized to lease, either separately or as a whole, the nitrate plant and the equipment. I propose to provide that it shall be leased to a farmers' cooperative association which, in the opinion of the President, has financial resources available, or the standing, prestige, and numerical strength sufficient to obtain such resources, to operate the Muscle Shoals properties for the manufacture of fertilizer, and its ingredients in an economical manner.

I propose that it be leased to them at a dollar per year. I propose further that they may sell power at a reasonable rate. I propose further that they shall not operate the plant for a profit, and that the lease shall so stipulate, but that it shall be operated for the benefit of the American farmer. I have every reason to believe that the farmers in this country will take advantage of the opportunity if this proposal shall become the law.

In order that we may check fully and completely the attitude of those who say they are for the American farmer, I also propose that the Federal Farm Board shall loan to a responsible farm cooperative association money for the purpose of operating the plants at Muscle Shoals and putting thousands of people at work and at the same time reducing the price of fertilizer. That will afford a chance for something to be done. Mr. President, I am going to place the proposed amendment in the RECORD and ask that it may be printed at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The proposed amendment is as follows:

Notwithstanding the foregoing provisions of this joint resolution the corporation shall not operate the nitrate plants at Muscle Shoals until the expiration of 12 months after the approval of this act, and not then if a lease is made as herein provided.

During that interval of time the President is hereby authorized to lease either separately or as a whole, to any substantial farmers' cooperative association, not operated for profit, nitrate plants Nos. 1 and 2 (including the Waco limestone quarry) together with all tools and machinery, equipment, accessories, and materials belonging thereto (except power plants) necessary for the fixation

of fertilizer or the manufacture of fertilizer and its ingredients, and other products useful to the farmer in the most economical manner, and upon such terms and conditions as the President may subscribe, subject to the following qualifications:

1. Such properties shall be leased to such farmers' cooperative association, as in the opinion of the President has the financial resources available, or the standing, prestige, and numerical strength sufficient to obtain such resources, to operate the Muscle Shoals properties for the manufacture of fertilizer and its ingredients in an economical manner.

2. The said farmers' cooperative association shall be operated for cooperative purposes only and not for the profit of its members, except as they might be benefited from the reduced purchase price of the articles manufactured and sold and distributed by the said association and under no circumstances or conditions shall any dividends be paid to such members as a result of the operation of the properties herein described.

3. The said properties shall be leased to the said cooperative association for the sum of \$1 per year, except that the association shall pay a reasonable agreed value for all stone removed from the Waco quarry and for any additional buildings or equipment, other than these heretofore set out (exclusive always of power plants) which are necessary to carry out the terms of the lease.

4. Such lessee may, with the approval of the Muscle Shoals board, make alterations, modifications, or improvements in existing plants and facilities, and construct and operate new plants and facilities in order to properly carry out the purposes of this section.

5. Such power as may be needed by the cooperative association for the manufacture, distribution, and sale of fertilizer, fertilizer ingredients, and other things useful to the American farmer, shall be sold to said association by the board, at a price fixed as fair and reasonable by the board, with the approval of the President.

6. The lessee shall covenant to keep said property in first-class condition during the life of the lease.

7. Such other terms may be included in the lease as will protect the rights of the Government, and will further the utilization of the properties herein described for the benefit of the American farmer.

8. If, after 12 months, no lease has been made as herein provided the board shall proceed to operate the same in accordance with the provisions of this joint resolution without regard to the provisions of this section.

9. The Federal Farm Board is hereby authorized to make loans to such cooperative association as may lease the Muscle Shoals plants as herein provided.

Mr. BLACK. Mr. President, I desire to call attention, particularly of the Senator from Iowa [Mr. BROOKHART], whom I have heard so often speak of cooperative associations, to the fact that if the southern Senators can now secure the support of the progressive western Senators who have stood here for the people year after year, I believe we can enact such a provision into law; that it will be passed by both Houses and be signed by the President.

The VICE PRESIDENT. The time of the Senator from Alabama has expired.

WORLD PEACE—ADDRESS BY HON. A. B. HOUGHTON

Mr. CAPPER. Mr. President, on November 21, 1930, the Hon. A. B. Houghton, former ambassador to Great Britain, delivered an address on Peace at the town hall meeting in New York City.

It was only recently that the speech came to my attention, and I asked Mr. Houghton for a complete copy of the address. Mr. Houghton is a student of men and of affairs, is acquainted with conditions abroad as well as at home, and to my mind his views on this important subject are worthy of the attention of the Senate and the country.

In this speech Mr. Houghton unfolds and discusses very ably his view that only by a vote of the people themselves should any civilized country declare war. I am sending to the desk a copy of this address, and request that it may be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I want to talk to you a little while to-night about peace. And since peace, obviously, can not be assured by the action of any one people alone I shall venture to suggest to you, as I have suggested to others, that the time is perhaps at hand when, if a durable peace between them is consciously sought, that little group of peoples which dominate the western world must, by mutual agreement, undertake a new experiment in democratic government and extend the right of suffrage into the international field.

Few of you, I suspect, have forgotten the shock with which the Great War burst on the world. Its probability, its certainty even, had long been contemplated. No one believed that peace in Europe could be indefinitely maintained by merely increasing armaments. But even so, aside from a few minor disturbances, the peoples had lived for many years in a state of peace. No new cause of ill will

between them was discernible. No obvious reason had presented itself to make war appear necessary at the moment. Other crises of a similar kind had been successfully weathered. It was natural to assume that some way out of their difficulties would again be found. And so, while more or less concerned, the European peoples went their several ways in the expectation that peace would not be broken. I happened to be in England at the time. I shall never forget the amazement, the consternation, the actual horror with which the war was greeted. And what was true there was true elsewhere. I doubt if there was a people in Europe not equally stunned and appalled when suddenly confronted by the terrible reality. They were all mentally unprepared. They had not chosen war. They were simply caught in a situation not of their making but over which as individuals they had no control. After the first shock had passed, after the peoples had settled down in grim earnest to their task, they began to look about for some explanation of the dreadful and overwhelming catastrophe which had overtaken them. And the explanation most generally accepted, I suppose, by the allied peoples was that the war had to come—that two great conceptions of government had finally come to grips and that the peoples, democratically organized, must fight for existence against the military autocracies. The two, it was asserted, could not go on living side by side. The world was not large enough to hold them both. One of them had to go. And, believing the moment favorable, the military autocracies, we were told, were determined to force the issue to a conclusion.

In the end, after four and a half year of warfare on a scale heretofore unimaginable, and at a cost which staggered humanity, victory fell to the self-governing people. The autocracies were overthrown. The dynastic ambitions and quarrels were swept away. The perils, real or imaginary, which had existed when peoples democratically organized were confronted by military autocracies all disappeared. On the face of it and on the basis of that explanation the world, in all truth, had been made safe for democracy. A happier future—a future, bought at a great price, which should be undisturbed by war—lay ahead; and then, if you will remember, came a hard awakening. Slowly, reluctantly, but very definitely, we found ourselves compelled to realize that that war which we had been told was being waged to end war somehow failed in its purpose. The democratic peoples now, apparently, distrusted one another quite as profoundly as before they had distrusted the autocracies. War again had to be contemplated; and in this year of our Lord, for instance, if we lift our eyes, we see that there are more men under arms than ever before. Armaments have increased and bid fair to increase even more. The search for new and more deadly instrumentalities for destroying life and property goes on unwearied and unchecked; and if we listen carefully we may even now hear whispers of a certain year, just ahead, called X, which is supposed to be the final year that peace between the great powers may be regarded as assured. All that seems lacking, apparently, to set the war drums beating again is the occasion. Peace is no less desirable. No people wants war. But, somehow or other, that durable peace we sought has receded even as we stretched out our arms to grasp it.

That is not a happy situation. I do not wish to overemphasize it. Yet, in face of the facts confronting us, it is difficult to discover in what way the governments of the self-governing peoples are relying less than formerly on armaments to provide for national security. They continue to act within well-defined grooves, and in accordance with a political theory which exalts nationalism, and rely, frankly, upon force, when necessary, to attain their ends. Conference after conference has been held. Organization after organization has been formed. Effort after effort has been made to insure peaceful settlements. No one wants to let the furies of destruction loose again to scourge the earth. But the net result of the past dozen years is a steady and merciless increase in armaments; and if we ask ourselves the reason for this strange persistence in a policy which has shown itself both ineffective and dangerous, and which even to-day divides the nations and is keeping them apart, the answer is ready for us. Those in political authority now apparently find the real source of danger to be ourselves—you and me and all the rest of us—and to assume, human nature being what it is, that wars, practically speaking, are inevitable. They deplore the fact. They are ready to agree that peace is highly desirable and that war is a frightfully expensive and irrational method of settling international disputes. In view of human experience, however, they see no alternative. Deep down in human nature they find racial and national instincts and prejudices which, when appealed to, have always resulted in a war spirit. They see no reason to assume that any other result may be expected in any future now useful to contemplate. Meanwhile, then, their obvious duty is to protect us against others, and against ourselves.

Now, I for one, disagree wholly with that amiable theory. I do not believe that, as a matter of fact, wars to-day do take their origin in the moral defects or weaknesses or lack of self-control of great masses of men and women capable of self-government. I do not believe that we, for instance, are going to awake some fine morning and find ourselves in the grip of an uncontrollable impulse to go out and slaughter a neighboring people and seize its lands and goods. That is not an explanation. It is nonsense. What is true, of course, is that this people or any other people will under certain conditions be willing to go to war. But I need hardly point out to you that those conditions are an integral part of the problem. Before a war is conceivable, there must be something to fight about—an issue. And that issue, broadly speaking, is the outcome of a series of maneuvers by which the masses con-

cerned are brought into positions of opposition. Obviously, the maneuvering is not done by the masses themselves. Collectively, and as individuals, they have little, if anything, to do with the slow and subtle and tortuous shiftings of international relationships. That task, very properly, they leave to their governments. Their interests are directed to the more prosaic task of earning a living. The maneuvering is done, of course, by those little groups of men we call governments. These little groups seek constantly and naturally to gain supposed advantages of one sort or another for their own nationals. Out of their efforts to enlarge or to strengthen or to maintain the interests committed to their charge, the masses they represent are gradually maneuvered into positions which, to say the least, can not easily be surrendered. If the process continues, sooner or later an agreement between these little groups becomes impossible. Then, on the ground that their lives and property are somehow involved and endangered, these great masses of men and women, roused by every power of organized appeal and propaganda, are ordered under arms and war follows. The little groups make the issue. And the little groups declare the war. The masses they control find themselves at the critical moment substantially helpless. And so as individuals, loyally and patriotically, they accept the decision and go out to pay the bills of war with their bodies, and perhaps with their souls, in the hope that if not they, then those who come after them may reap a benefit in some measure proportionate to its cost. And even the men through whose instrumentality, consciously or unconsciously, willingly or unwillingly, this dreadful catastrophe has been brought about, still continue to explain it on the ground that, human nature being what it is, any other determination was impossible—and will be, either now or hereafter. I do not pretend that this is an exhaustive and complete analysis of the origin of modern war. I do submit that, in the main, the process leading up to war is in the hands of those little groups of men. I do submit that our governments possess not only the power to control and direct our relations with other peoples but also the power, at their discretion, to throw us into war with them. Wherefore, it seems to me, that what we need most to consider at the moment is not so much our individual sins and weaknesses and lust for blood, helpful and commendable as such self-examination may be, but rather how far it is either safe or necessary in this new and more democratic world we are entering, to permit our governments such complete freedom of action.

Precisely here it behooves us to tread a bit warily. You may say our governments do not possess complete freedom of action. We are self-governing. So are the other great peoples in this western world. You may assert their wills and ours find full expression in representative government. If we want peace, you may say, we can have it. Our governments were responsive and obedient to our stand in the war. But, unhappily, the statement is too broad. The matter is not so simple. The power to throw us into war, for instance, does not rest in us, but in our Government. Being self-governing, we elect that Government. We choose those who are to represent us. But we elect them always on domestic grounds and for domestic reasons. And a government elected on such an issue, say, as prohibition or the tariff, or some other interest which at the moment bulks large, may not be at all representative when confronted by the need of a decision involving peace or war. What then? Such a conflict of opinion would mean comparatively little in the ordinary run of affairs. If the government we elect, for instance, puts a certain policy into effect and it proves contrary to what a majority of us want, in due time we simply turn that government out of office and substitute a new government more in accord with our views. But in case of war differences of opinion assume tremendous importance. If our Government decides for war, we can not change that decision at some later time. It sets in motion a set of forces which are uncontrollable—and from whose action there is no appeal. We carry on the ordinary work of legislation well enough by representatives chosen for the purpose. We still keep the control. But a declaration of war is final. It takes all control from us. It binds us absolutely—and all we are and all we have and all our future. It involves a question as fundamental, at least, as the adoption of a constitution. You may assume, if you want, that our Government will act at any time in accordance with our wishes. But I ask you to note that it is pure assumption. We do not know. We have no means of knowing. No self-governing peoples have yet set up the political machinery necessary to ascertain what a majority of them may desire in such an emergency. And modern war is altogether too overwhelming a catastrophe to be risked on an assumption. But something more than a mere assumption is involved here. We must not forget that in times of crises our governments may not seek to obey the popular will. They may ignore it altogether, as they have sometimes in the past, and decide, for reasons which seem good to them, to follow their own conceptions of what the situation demands. And that, in my own opinion at least, seems to be too great and too vital a decision to be taken by them alone. It involves the very negation of popular government. And it puts the peoples involved in a situation where they are powerless. If you think that is a risk so slight as to be ignored, a careful reading of modern history should convince you to the contrary. So sooner or later, it seems to me, we shall inevitably be forced to drag out into the open and face clearly the question that is lurking here in the background—whether, as at present, the power to declare war shall continue exclusively in the hands of our governments, or if public opinion is to decide; and that would seem to be the object of self-government, whether that power

shall be exercised only after we who are most concerned shall in some proper and constitutional way have given our consent. We can not proceed indefinitely in both directions. Yet that is precisely what we are trying to do to-day. Sooner or later we must choose which way we will have it. And bound up in that conclusion, in my own opinion, is the next great constitutional problem which the self-governing peoples, acting together, must solve.

Why not? Why should the great self-governing peoples not assume that responsibility? Why should they continue to delegate to others, chosen for quite other purposes, the power to put them into war? Is this not the one power a self-governing people would logically reserve to itself, since it puts in jeopardy their collective lives and property? We create governments primarily to protect our individual lives and property, and to that end our representatives make laws and set up safeguards, and if these prove unsatisfactory we change them. It is only when all our lives and all our properties are suddenly involved in a great and supreme decision affecting peace or war that we cease to be self-governing. We accept the decision of others. And that method, if we may call it such, has not led us to peace. It has never freed us from war and the burdens of war. We have no reason to assume that peace to-day is secure—rather, the contrary. And there are reasons which seem at least to indicate that while war hitherto has been the concern mainly of governments, it might more safely be made the concern of the peoples themselves.

First, as you know, the great self-governing peoples have shown themselves competent to manage their domestic affairs. Foreign affairs are merely an extension of domestic affairs. They are not a sort of arcana wherein the laws of common morality are excluded and in which only cynical gentlemen of bilingual attainments are competent to play a rôle. They are in the main simply the natural and beneficial outcome of a desire to trade. They become potentially dangerous only when men who temporarily possess power undertake, for a supposed national advantage, to infringe either the liberties or the possessions of a neighboring people. Then they become very dangerous indeed. But I ask you, in so far as the self-governing peoples are concerned, is such an effort as likely to arise out of great masses of men and women whose interests lie primarily in peace as out of small dynamic groups of men who think, perhaps, they can better the relations between them and sometimes, as history has shown us, are willing to take a chance? I, for one, doubt it. It is conceivable, indeed, that what men call "national destiny" might safely be left to work itself out more slowly and in its own way and without quite so much conscious aid and direction.

Second, I need hardly say to you that war steadily increases its demands. Once it could be waged with profit. Now no gain can equal its cost. Once it could be waged by a relatively small proportion of the populations involved. Now it embraces all. Men and women alike must contribute to its will to destroy. There are no noncombatants. Its proportions have become so formidable and its demands and consequences so ruinous that it threatens to wreck civilization itself. Whatever may be said regarding war in the past, whatever advantages may have come of it, whatever good it may have accomplished, to-day the situation is radically changed. This new democratic era into which we are entering, wherein production is becoming more and more a world process and in which the relations of each one of us is becoming more and more vitally dependent upon others, can not withstand the shock and dislocation and waste of war as easily as societies more primitively organized. Some check upon the use of this method must be found. And if self-government has any meaning whatever, I suggest that those who are most vitally interested, whose lives are at stake, and whose property is endangered are the ones best fitted to provide that check.

Then, again, while the fundamental relations between peoples are based, as at present, frankly and openly upon force, fear of attack obviously becomes a natural and dominant consideration within each national group. Out of that fear springs, as a matter of course, the desire to increase armaments which, except for use against each other, are largely unnecessary. Each arm for defense, and each thus becomes potentially more able to attack and so more dangerous as a neighbor. What we do not always realize is that fear in this sense is fear of the concentrated power in the hands of governments to make war almost overnight. Such fear could not exist if the war-making power were diffused among a people. The tension would lessen. Time would be required before that power could again be focused. And time is the greatest ally of peace. We may go even further. If this concentrated power, now in the hands of our governments, were in fact diffused among their peoples, we may safely assert that those in political authority would be less inclined than now to develop situations out of which war might easily emerge. They could not be sure of their ability to carry such plans through to completion. The fact that they had so managed the people's business as to bring it to a dangerous crisis would be their condemnation. What is troubling the world to-day is not too little governmental interference with the wholly natural and helpful processes of dealing between nations, but too much.

And finally, we must remember that the self-governing peoples occupy a wholly different position than ever before. Conditions of life have changed vastly during the past few decades. The earth's diameter, I suppose, remains what it always was in terms of miles. The distance from pole to pole no doubt remains the same. But certainly the world in which we are living has shrunk amazingly and become a mere fraction of its former size. And as its distances have lessened the peoples necessarily have been drawn into

closer contact. In particular their mutual dependence on each other for their actual livelihoods and their standards of living is being made clear almost day by day. It is the fashion, I know, now to speak as if the democratic impulse had exhausted itself. I doubt it. It seems to me rather that what we are witnessing to-day is the beginning of a new and greater democratic advance, moving in ways we do not yet fully understand toward the extension of democratic control over interests which are the concern of no one nation, but of all nations. International life can no longer safely be assumed to be a sort of game in which the governments are the players and the peoples the pawns. The time for that is past. For to these peoples to-day the cable and telegraph and telephone, the wireless and the radio bring every event of importance throughout the world—what is taking place in this or in that parliament, what this or that statesman is advocating, what effect this or that policy is having—bring this information, within a few moments of its occurrence, to these hundreds of millions of men and women who have assumed political responsibility and who feel themselves competent to form opinions about whatever concerns them. They are almost as well and as quickly and as accurately informed as their governments. Nothing of importance can now be hidden from them. Everything is brought into the merciless light of publicity. Naturally these men and women form opinions and reach conclusions on a scale never before conceivable. Already we see public opinion taking form against those recurrent conflicts which hitherto have seemed so inevitable. And if it shall appear that our existing political methods are inadequate to protect us against war, because based on assumptions no longer either necessary or useful, who shall doubt that those methods will be changed and that the peoples themselves assume responsibility for that supreme decision.

Such considerations are, of course, obvious enough. They could be multiplied almost indefinitely. No sane human being would deny their compelling force if it were not for one doubt. And it is this: Are we, you and I and the rest of us, the plain men and women who make up the vast bulk of each of these self-governing nations, as competent to determine if and when a war is necessary as the little groups of individuals who now form their government? That is the doubt. And the answer to that depends, obviously, upon our belief in ourselves. There was a time when the ability of men and women to govern themselves under any conditions was disputed, and for precisely the same reasons. History and the rise of self-governing states have demonstrated not only that they are competent but that they are happier and safer when they take on themselves the responsibility of government. Our fathers met that doubt and answered it for their day and generation. Now we find ourselves face to face with it, but in a new guise—whether, although admittedly competent to govern ourselves within our own frontier, we are competent to control our fundamental relations with other peoples; in other words, to determine whether at any given time those relations shall be relations of peace or war. That is the nub of the matter. The great peoples are now self-governing. Each of them has set up a machinery of government which gives it effective control of its own domestic affairs. But in the region of international affairs the existing machinery of government has never been within their control and is not now. Theoretically, of course, each self-governing people controls its relations with other peoples. Practically, by leaving the power to declare war in the hands of their governments, they lose that control at the moment most vital to them. It is conceivable, of course, that, owing to some inherent moral instability or lack of understanding they are unfitted to assume that control; that they would treat lightly a decision which meant so much to them and to others and squander recklessly their lives and property in vain wars against their neighbors. But the presumption at least is in their favor. After all, it is their lives and their properties which are involved. And it is certainly within their power, if they will, either to permit the continuation of a system autocratic by nature, which always has resulted in war, and by which, as at present, their lives and property can be taken without consultation with them and without effective means of protest, or, by agreement with the other self-governing peoples, to take upon their common shoulders by the necessary constitutional means the power to decide whether at any given time war between them is or is not necessary. If they choose the latter course, war is inevitable only in so far as they themselves want it to be. They will be in position to decide, for then the full power of sovereignty will be within their grasp. Only then will the democratic process be complete.

And so it seems to me if what I have said has substantial basis in fact that sooner or later those peoples who have demonstrated their competence to govern themselves within their own frontiers must, if peace between them is to be made more certain, assume direct responsibility for their relations with each other. Our governments have not protected us against war. We have no apparent reason to look for any marked change in their methods or in their aims. The future, if they control it, may easily become an intensified repetition of the past. Personally I believe we can not safely or prudently continue to be democratic within our frontiers and autocratic in our dealings with the other self-governing peoples. Personally I believe that as the chances of a lasting peace are greater when in the hands of representative governments than in the hands of autocrats, so those chances will be greater still when in the hands of great masses of human beings whose interests lie in peace and who think in terms of peace and who know that their lives and property are the stake if peace is broken. At any rate, so far as I can see, no effective alternative is open. If the danger of war is to be lessened, a sufficient measure of con-

tol can be obtained only when the self-governing peoples definitely and constitutionally take the decision into their own hands. For there is only one power great enough to control a government, and that is the power of the people who create it.

That, substantially, completes what I have to say. I did not come here to offer you a panacea against war. I know of none. I have sought only to indicate how an added security against war can be obtained among that small group of nations which I have called the great self-governing powers. I would ask you to note, first, however, that the group, if small, is nevertheless of supreme importance. It comprises the dominating peoples. Out of a conflict between them comes that most dreadful catastrophe of all—a world war. So long as peace obtains between them, all other conflicts are comparatively of minor importance. And I would ask you to note, second, that they are not only the dominating peoples; they are the peoples who are most alike, who possess, roughly, the same degree of economic and political and educational advancement, who accept the same standards of life, respond to the same appeals, and react to the same emotions, and who have learned that war between them, whether won or lost, is wholly evil. If common action against war is possible at all, it should be easiest to obtain between them. Moreover, bitter and costly experience has taught them that a durable peace between them can not rest upon force. They have tried it and they have failed. A durable peace must rest upon good will—not sentimentalism, not shallow emotionalism, but upon good will, which, in essence, is the common-sense acceptance of the fact that no dispute between them can possibly be worth the human and material costs of war. I believe profoundly that this practical good will exists, that the great self-governing peoples may safely trust one another, and that to-day only a method of dealing between them inherited from an outgrown system of autocratic government prevents our recognition of that great and beneficent fact. We are caught in a method of our making. We must unmake it.

The possibility of such an agreement may seem to you, from a practical standpoint, so remote as to be negligible. In my opinion, it is far from negligible. I believe, indeed, that the opportunity lies open to us to-day. Everywhere there are strange winds blowing through the hearts and minds of men. There is a new spirit in the world. The cannon fodder is becoming articulate. The human pawns in that dreadful game are more and more aware of their responsibility and of their power. We talk about public opinion. We recognize its power. We rely upon it more and more to act as a corrective and to promote justice and fair dealing between the nations. Why, then, should we hesitate to give it a constitutional method of direct expression, which, when war between us threatens, will be decisive? Why should we so fear ourselves?

Now, let me thank you for your patience. You have been very kind. I realize, of course, far better than you how inadequate is the statement I have made. But however inadequate, it at least has this excuse, that it is an effort, as I told you, to point out an added security against war where it is most destructive and most dangerous, that is to say, between the peoples who are most alike, the great self-governing peoples. If we are content with the present relations between them, we need no added security. But in view of the war which ended less than a dozen years ago and of the present, in which the war clouds are again gathering, and of the future in which our children will live, are we content?

THE SILVER PROBLEM

Mr. BORAH. Mr. President, I have before me the Mid-Month Review of Business by the Irving Trust Co. of New York. In this review there are four or five paragraphs dealing with the silver problem. In view of the source from which the comment comes I think it of more than ordinary importance and ask to have the paragraphs referred to printed in the RECORD.

I also ask to have printed in the RECORD a news dispatch from Shanghai dated January 6, and another from Peking of the same date published in the New York Times of January 7, 1931, relating to the same subject.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the Irving Trust Co. (New York) Mid-Month Review of Business of December 17, 1930]

THE PROBLEM OF SILVER

Perhaps silver gives a clue. Half the world's population still uses silver as its money metal—India, China, Mexico, Abyssinia, and a few other countries. In China silver has been used as the store of value for nearly 4,000 years. In India lifetime savings take the form of silver jewelry, bangles, table utensils, cult objects and statuary, bullion and coins, hidden in the rafters or buried in the ground. Myriads of people want metallic wealth, which "neither moth nor rust doth corrupt"—not paper money that becomes sodden by the wet from thatched roofs or makes good provender for rats and insects. It is a serious matter to disturb folk ways of such long standing. Yet the Government of India in 1926 imposed upon the people legislation, dictated from London, providing that India should adopt a gold-bullion standard in place of the previous gold-exchange standard, and gradually sell on the open market the excess stocks of silver, consisting of several hundred million ounces, then held in the Indian treasury; the proceeds

of these sales would serve to augment the treasury's gold holdings, which were to be increased gradually until the requirements necessary to the operation of a free gold standard should be accumulated. In line with this legislation the Indian treasury has disposed of large amounts of silver, and in March, 1930, imposed an import duty of 4 annas (between 9 and 10 cents) on the white metal.

At the time that the Royal Commission issued its recommendation silver was selling at about 65 cents an ounce. A rapid fall in the price followed, and in December, 1926, the price averaged 53½ cents. Punctuated by occasional rallies, the trend has since been downward and on the 16th of the present month quotations reached 31½ cents, the lowest level in the history of the world. Because Indians and Chinese from time immemorial have been accustomed to invest their savings in silver—the amount of such accumulated savings in India alone being conservatively estimated at 7,000,000,000 ounces—the extent of the social upheaval can hardly be imagined. Inasmuch as China is on a silver basis, her purchasing power in terms of imports has been melting away, and thus American sales to China have woefully declined. In addition, the Chinese are suffering from a world-wide decline in the gold prices of the commodities which they export. It seems safe to infer that the silver catastrophe has been a major factor in the unrest in India and the economic crisis in China. If so, the full effects of the situation have not yet been witnessed.

DEBASEMENT OF SILVER CURRENCIES IN EUROPE

In addition to the events just described, Great Britain, Germany, France, Austria, Holland, Italy, Mexico, and some other countries have debased their silver coinage since the war, so that considerable supplies of the metal have been dumped from these sources upon a market that has now become demoralized. For the past five years silver production has been almost static at about 250,000,000 ounces per annum. Gold, too, has been produced in recent years in fairly constant quantities, or about an annual average of 19,350,000 ounces. World production of silver for the entire period from 1493 to 1927, inclusive, has been over 14,000,000,000 ounces, or about fourteen times the weight of gold produced in the same period. Since 1493, moreover, the Americans have produced 84 per cent of the world's silver. One-half of the total silver output since 1493 was produced in the 39 years from 1889 to 1927; but in spite of this great increase the rate of increase has been much less than that of gold, copper, lead, and zinc, not to speak of many other basic commodities. Gold in the United States has a stable value of \$20.67 a fine ounce, an unvarying price fixed by legislation. During 1929 the average price of silver was \$0.53631 an ounce, and thus gold was worth thirty-eight and fifty-four one-hundredths times its equal weight in silver. This ratio of 38.54 to 1 is called the commercial ratio of silver to gold. It is interesting to note that from 1687 to 1874 this ratio fluctuated between the extremes of 14.14 to 1 and 16.25 to 1. The relationship of 16 to 1, which became a political issue in the United States in the latter part of the nineteenth century, is now supplanted by the extraordinary ratio of approximately 65 to 1. Bearing in mind the fact that the major portion of the silver now produced is a by-product of mining carried on chiefly for some other metal or metals, and the further fact that for the past five years the total silver output has been relatively constant, although the price has fallen some 50 per cent, it is evident that the economic law of supply and demand has been fundamentally disturbed by legislation.

A SUGGESTED REMEDY

The facts clearly indicate the nature of the relief which is needed, and it is to be hoped that neither shortsighted nationalistic prejudices nor mere doctrinaire notions about bimetalism will stand in the way of the type of legislative action that is urgently necessary if the western nations are not going to push the Orient into an even deeper abyss of misery. The purchase of a few million ounces of silver annually by the treasuries of the leading commercial occidental nations for the purpose of augmenting the depleted silver content of their silver coins, or of using silver instead of paper for currency of small denominations, would exert an immediately beneficial effect. Some agreement, also, to proceed more cautiously in foisting the gold standard upon nations who are not yet ready for it would lessen the real concern that was expressed in the interim report of the gold delegation of the financial committee of the League of Nations, lest gold supplies within a few years may be insufficient to support the growing volume of credit that is based on gold. These measures would help to preserve the value of the immense silver hoards in India and China and save the 700,000,000 of inhabitants from utter catastrophe.

The historical defects of bimetalism in certain western currencies are well known and no one wishes to see them occur again. But we can still remain on the gold standard and use to advantage larger amounts of silver in our currencies. As far as the Orient is concerned, silver has been their standard of value from time immemorial. In the western countries for many centuries, silver was of predominant importance until, some 70 years ago, the relative advantages of the gold standard became apparent to the United States and to other European countries. Thus here silver has become a commodity rather than primarily money, whereas in the minds of half the human race it still remains money first and commodity only secondarily. To forget this would be a serious psychological and political blunder. But mere altruism need not be the motive for trying to better the present silver situation. In helping our eastern neighbors we would be helping ourselves. Silver prices for many years have fluctuated slightly in advance of commodity prices. Thus, in pre-

venting a debacle in the price of silver, we would set in motion forces that would uphold general commodity prices and augment and stabilize international commerce. By broadening the monetary use of silver here and in Europe we would greatly strengthen the gold standard and insure its relative stability and permanence.

COMMODITY PRICES NOT YET STABILIZED

The course of wholesale commodity prices in November failed to reverse the long-continued downward trend of quotations. For the fourteenth successive month, Bradstreet's wholesale price index exhibited a decrease, the December 1 figure registering a drop of 2 per cent from November 1, of 20 per cent from December 1 a year ago, and 53 per cent from the record high of February 1, 1920. The present decline in prices has been very nearly as extended in point of time as the postwar drop, but has been far less severe in actual percentage of decrease. Attempts made by producers of copper to advance the price were not successful. Producers quoted copper at 12 cents a pound, but were undersold by custom smelters, and copper quotations now range between 9½ and 10 cents. On December 15 the price of tin touched the lowest level in 28 years when a large tonnage of the metal was unexpectedly added to the world's visible supply. Lead is steady, although well under the level of earlier in the year; but each slight advance in zinc is followed by recession. The average price of agricultural products on the farm on November 15 was at the lowest since December, 1915. The Federal Farm Board is supporting the price of wheat, which continues to rule above world parity.

[From the New York Times of January 7, 1931]

SILVER NOW LOWEST IN CHINA'S HISTORY—\$424 IN REPUBLIC'S CURRENCY IS WORTH ONLY \$100—COMMODITY PRICES RISE FAST—MAIL STRIKE THREATENED—HOPEI PROVINCE RESUMES COLLECTION OF LIKIN TAX DESPITE BAN BY NANKING RÉGIME

By Hallett Abend

SHANGHAI, January 6.—The value of silver in relation to gold has fallen to the lowest point in China's history, \$100 in gold now being worth \$416 to \$424 in silver currency. The Mexican trade dollar once was worth 49.6 cents.)

The violent fluctuations in the value of silver has brought unsettled business conditions. Prices of all commodities are rising rapidly to meet the new values of silver although they had been advanced greatly when the new tariff was published.

The General Labor Federation has decided to fight the Nanking Government's order prohibiting the organization of more local unions. The union leaders say that if Nanking persists in its stand the postal workers will be called out in a nation-wide strike.

HOPEI RESUMES OLD TAX

PEKING, January 6.—The internal tax (likin) stations of Hopei resumed activity yesterday notwithstanding the Province's official report to T. V. Soong, Finance Minister, that the likin had been abolished. The authorities explain they are awaiting the establishment of 19 special bureaus to collect the new taxes on foods, textiles, lumber, and livestock which will replace the likin revenue.

Collectors of the likin contend their contracts have not expired, and therefore are continuing to gather taxes until they have regained the money they invested for the right to collect them.

The Peking likin has been definitely ended, 1,000 tax collectors being thrown out of work.

SILVER SLUMP BEGAN IN 1926

The slump in the value of China's silver currency is the result of the world-wide decline in silver which began in 1926, when India adopted the gold standard and began selling her immense excess of silver bullion.

The price of silver has dropped steadily from 65 cents in 1926 to 29½ cents an ounce, yesterday's quotation in the New York market.

China also has troubles in shifting from the old likin (local taxes) which were to have been replaced January 1 by a high tariff. The likin was to have been abolished January 1, 1930, but the change was put off to October. Another delay came last October because of the civil war. The Nanking Government's power now will be measured by its success in enforcing the change in taxation.

PROMOTION OF WELFARE OF MOTHERS AND INFANTS

The Senate resumed the consideration of S. 255, the unfinished business.

Mr. JONES. Mr. President, I think it would be well to have the agreement under which we are now operating read to the Senate.

The VICE PRESIDENT. Let the agreement be read.

The Chief Clerk read the unanimous-consent agreement entered into on December 17, 1930, as follows:

Ordered, by unanimous consent, that after the hour of 3 o'clock p. m. on to-morrow no Senator shall speak more than once or longer than 15 minutes upon the bill (S. 255) for the promotion of the health and welfare of mothers and infants, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. HARRISON obtained the floor.

The VICE PRESIDENT. The Chair would like to suggest that there is no pending amendment. The Chair was informed when the Senator from Alabama [Mr. BLACK] began his remarks that there was a pending amendment, but the amendment has been disposed of. So the Senator from Mississippi has 15 minutes.

DEATH OF JOSEPH S. MCCOY

Mr. HARRISON. Mr. President, on yesterday there passed away in the city of Washington one of the most conscientious and able public servants in the Government service. I refer to the Government actuary, Mr. Joseph S. McCoy. I am sure that those Senators and Members of the House of Representatives, as well as Government officials generally, who have had occasion to come in contact with him and to imbibe from his great store of knowledge appreciated his work for the Government. In my humble opinion, of all the Government employees with whom I have become associated he was the ablest. He perhaps earned his salary more than any man in the whole Government service. The store of information he had with reference to Government finance and the readiness of his memory were remarkable. I have detained the Senate for this brief time merely to express my sense of personal bereavement and my sympathy and, I am sure, that of the Senate to his family in his untimely death.

Mr. SMOOT. Mr. President, I rise at this time merely to indorse every word which has been uttered by the Senator from Mississippi [Mr. HARRISON] in eulogy of the late Joseph S. McCoy. I have known him for a quarter of a century; I have come in direct contact with him during that time whenever the Senate has had under consideration a tariff bill or other legislation affecting Government finances. I know of no man in the service who has been so faithful as Mr. McCoy.

He was hardly known outside of the committees of Congress and the Government departments, and yet his knowledge of the financial affairs of the Government was perhaps not surpassed by that of any other man, and the estimates made by him of Government revenues were as nearly accurate as the human mind could make them. That has been proven by the experiences of the past 20 years.

I was pained to learn of his death, which I understand came suddenly while he was driving his automobile. Had he been ill and I had known of it, I would have been happy to have called to see him. I say these few words to express the esteem, respect, and honor in which I held this splendid American citizen.

"TO RUIN THE PRESIDENT"

Mr. GOFF. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the Washington Post of to-day entitled "To Ruin the President."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TO RUIN THE PRESIDENT

The vote in the Senate for reconsideration of the nominations of three members of the Federal Power Commission reveals the animus of the insurgent-Democratic coalition that is seeking to ruin President Hoover and the Republican Party. The roll call verifies the intimations made during the debate, having for their purpose the poisoning of the public mind against Mr. Hoover. A bold and malevolent conspiracy has been formed to make it appear that the President of the United States is a tool of the hydroelectric power interests; that he has placed corrupt men on the Power Commission for the purpose of serving the power interests and to rob the public; that they have obeyed his orders by removing two honest functionaries who detected power frauds; and that, unless these power commissioners are thrust out, the people of the United States will be at the mercy of a rapacious monopoly which has made the President of the United States its slave.

The coalition demands that the President shall return to the Senate the notification of confirmation of the three commissioners in question, in order that the Senate may cancel the confirmation and reject the nominations, thereby making the offices vacant. This action is taken by the coalition in spite of the fact that the Senate notified the President that the men had been confirmed, following which notice they took the oath of office, organized, and proceeded to transact official business. They acted in obedience

to the law, which provides that the new commission shall be deemed to be organized when three commissioners take office. The Senate by its vote attempts to nullify this act of Congress.

The threat is made that if the President should refuse to send back the nominations the Senate will refuse to vote the salaries of the three commissioners. That threat, or any other threat that can be made, should have no effect upon the President. He is bound to see that the laws are faithfully executed. The law reorganizing the Power Commission must be enforced. It will be violated if the commissioners are thrown out by a vote of the Senate. They are removable only by the President or by conviction upon impeachment.

It is inconceivable that President Hoover will cooperate with the coalition that seeks to destroy him. If he should return the nominations, he would be conceding the right of the Senate to remove public officers in a manner not provided by the Constitution. He would be surrendering one of the great powers of the Executive, the power that lies at the foundation of all law enforcement and which insures faithfulness in office—the power of removal. And he would be surrendering this power not to right a wrong or to thrust out corrupt men but to consummate a wrong, to disgrace honorable men, and to aid a political coalition that charges him with corruption.

In this attempt to besmirch the Presidency the public will stand by President Hoover and against the Senate. The scheme is plainly apparent; the object is only too clear. The coalition that poses as the champion of the people against the Power Trust is in itself an enemy of decent government and is guilty of an attempt to violate the law and the Constitution. As the facts develop the coalition will discover that it has overreached itself and has rallied the people behind their President.

RESTRICTION OF IMMIGRATION

Mr. HARRIS. Mr. President, I ask leave to place in the RECORD a resolution adopted by the Thirty-second National Encampment of the United Spanish War Veterans regarding Mexican immigration.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution No. 14

Whereas it being reported that the immigration laws are being violated by the Mexicans, and that the laws are not sufficiently stringent to prevent immigration which would seriously interfere with the employment of American labor; and

Whereas the national convention of the United Spanish War Veterans held in Habana, Cuba, in 1927, recommended the enactment of a bill known as the Box bill, pending in the House of Representatives; and

Whereas the Senate of the United States has adopted the said bill under the name of the Harris bill, that it is pending in the Congress for the action of the House of Representatives: Now therefore be it

Resolved by the Thirty-second National Encampment of the United Spanish War Veterans, in convention assembled, We do heartily indorse the Harris bill restricting immigration from the Western Hemisphere, and that this resolution be referred to our national legislative committee for action.

WELFARE OF MOTHERS AND INFANTS

The Senate resumed the consideration of the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. HEFLIN. Mr. President, I ask unanimous consent that we may vote upon the maternity bill at 1.30 o'clock p. m. to-day.

The PRESIDING OFFICER (Mr. Fess in the chair). Is there objection?

Mr. JONES. Mr. President, under the unanimous-consent agreement we probably will vote on it before that time; so I see no necessity of entering into such an agreement.

Mr. HEFLIN. I just want to get a vote on it. I do not want it to be postponed from time to time until this session is over. I want the country to know that it is just being passed along. If we are not going to vote on the bill it ought to be laid aside permanently.

Mr. KING. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to add, as a new section, the following:

This act shall expire by limitation June 30, 1936.

Mr. KING. I ask the Senator from Washington, having charge of the bill, if he will accept that amendment?

Mr. JONES. Mr. President, I will say to the Senator that while personally I should prefer the bill as it is, yet I appre-

ciate the difference of opinion with reference to that matter. The amendment gives five years to carry out this work; and in order to get the bill through the Senate I will make no objection to the amendment proposed by the Senator from Utah.

Mr. BARKLEY. Mr. President, notwithstanding the Senator's surrender on the subject, I hope the amendment will not be agreed to. We had the same proposition up once before. We put a limitation on the life of the measure, and then extended it for two years, and because of a filibuster at the end of that two years we were unable to enact it into permanent legislation. We will have the same situation again if this amendment is agreed to; and I hope it will be defeated.

Mr. KING. Mr. President, I regret that this measure will receive, as it undoubtedly will, the approval of this body; and I regret that the Senator from Kentucky [Mr. BARKLEY] indicates opposition to the amendment which I have offered. First, let me say in the limited time at my disposal that I am in favor of communities and States adopting all proper measures in the interest of public health and the conservation of life. I have advocated in my own State appropriations by the legislature to aid in protecting the lives of infants and in promoting the welfare of mothers.

The States are sovereign and they have the responsibilities of sovereign governments. One of the responsibilities is to promote the welfare of the people; to aid those who are in want; to adopt wise, humane, and, if I may use the expression, scientific methods and policies to protect and conserve the lives of children. Public health is an asset to communities and to States, and the States should be generous in their appropriations to promote the health of their inhabitants.

I am opposing this bill not because I am opposed to infants and mothers obtaining benefits which it is declared this bill will aid in securing, but because I am opposed to measures that consolidate the States with the Federal Government and that tend to reduce them to a sort of protoplasmic mass to be moved only by the powerful arm of the Federal Government. I believe in the competency of the people of the States to govern themselves, and I think that measures of this kind challenge our dual form of government and the competency of the States and the people within their borders to manage their own domestic affairs. Our fathers drew a sharp line between the functions of the States and those of the Federal Government. Unfortunately, the gravitational forces of the Federal Government are drawing the States from their orbits, the inevitable result of which will be—if these gravitational forces are not overcome—that our form of government will be destroyed and a paternalistic or socialistic system will take its place. I have confidence in the people, in their State pride, in their ability to work out the problems, complex as they are, incident to our social, industrial, and economic conditions. If the people are led to believe that they must look to the Federal Government for gratuities, bounties, gifts, appropriations, and contributions to relieve them of obligations of local government, then the integrity of the States will be menaced and disturbing and dangerous elements will be introduced into our political system.

The centralizing forces operating in this Republic have become so powerful that the spirit of local self-government has become vitiated. The Federal Government should not encroach upon the States or take over duties and responsibilities which belong to them and to their inhabitants. The morale and the spirit of individualism of the people should be strengthened, and efforts should be made to arouse them against the dangers of centralizing movements which, if uninterrupted, will destroy what we have said must exist—an indestructible Union of indestructible States.

The President of the United States made, I believe, an unwise suggestion that the provisions of the Sheppard-Towner Act, which, of course, no longer exists, be continued for a limited period of time. However, he was wise enough not to recommend it as permanent legislation. His position indicates that he does not favor permanent legislation containing provisions similar to those in the pending measure.

I do not know of many persons who are in favor of the provisions in this bill being embodied into permanent legislation, although the Senator from Kentucky undoubtedly does, and I know that Grace Abbott and some other women have cooperated with her in securing the passage of this measure. The President in a recent message stated that the organization of preventive measures and health education in its personal application is the province of public-health service. He added that such organization "should be as universal as public education, and that its support is a proper burden upon the taxpayer and that it should be based upon local and State responsibility."

A proper interpretation of this statement means that the States and local State political units should look after sanitation, health, and education. No one questions the duty of the States to provide a suitable system of education and to adopt reasonable measures in the interest of sanitation and the health of the people. Speaking of county and local communities, the President says:

Such organization gives at once a fundamental control of preventive measures and assists in community instruction. The Federal Government, through its interest in control of contagion, acting through the United States Public Health Service and the State agencies, has in the past and should in the future concern itself with this development, particularly in the many rural sections which are unfortunately far behind in progress.

I recommend to the Congress that the purpose of the Sheppard-Towner Act should be continued through the Children's Bureau for a limited period of years; and that the Congress should consider the desirability of confining the use of Federal funds by the States to the building up of such county or other local units, and that such outlay should be positively coordinated with the funds expended through the United States Public Health Service directed to other phases of the same county or other local-unit organization. All funds appropriated should, of course, be applied through the States, so that the public-health program of the county or local unit will be efficiently coordinated with that of the whole State.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. I yield.

Mr. NORRIS. From what has the Senator been reading?

Mr. KING. From the message of the President of the United States.

Mr. NORRIS. President Hoover?

Mr. KING. Yes.

Mr. NORRIS. I could not hear it all on account of the noise around me. Is the President opposed to this legislation?

Mr. KING. His message, I think, indicates that he favors it for a limited period of time only.

Mr. NORRIS. Is he favorable to it for a limited length of time on the theory that it is an experiment, and he wants to see how it will work?

Mr. KING. No.

Mr. NORRIS. What is the ground?

Mr. KING. I assume that the President believes the States have responsibilities which they must assume, and that the powers of the Federal Government are limited. However, it appears that the President favored Federal aid for a limited period of time only, presumably upon the theory that the States would then be sufficiently interested and equipped to afford all proper aid in infancy and maternity cases.

Mr. NORRIS. How long has this been in effect?

Mr. KING. Seven years.

Mr. NORRIS. I understand that it is not in effect now.

Mr. KING. When the Sheppard-Towner bill was first under consideration its proponents asked that its life be limited to five years, stating that at the expiration of that period it would have served its purpose. However, before the expiration of the five years some of the same forces that had advocated the bill demanded that it be continued for a further period. The result was that the law was continued for two years more.

Mr. NORRIS. On the argument made by the President and those who favor a limitation now, do they say the seven

years the law was in effect has not been sufficient time to give it a fair trial?

Mr. KING. I can not answer for the President or those who are insisting upon this measure. I think they say it has accomplished good, but that in some States there are not local organizations to carry forward the work under State supervision. Evidently the President's plan is that Congress shall continue the provisions of the Smith-Towner bill for a limited time until the necessary organizations have been perfected in the States to carry forward the work pertaining to infancy and maternity. My position is that in most of the States local organizations exist and that all of the States will enact suitable legislation to deal in a comprehensive and satisfactory way with this question. Certainly the States are as much interested in the welfare of infants and mothers as are bureaucratic agencies in Washington. Personally I prefer to trust the States than to trust Federal bureaus.

Mr. NORRIS. Is there any reason given why in a trial of seven years they have not spread it over the entire country?

Mr. KING. Reasons may have been assigned but I am not familiar with them. I presume that the contention is that in some States ample provision has not been made to deal with these matters. It is possible that a few States have not enacted measures to meet the situation, but I have no doubt that they will enact all necessary legislation to effectuate the desired results.

As I have stated, the people are competent to deal with their own problems and they will. Political and social advancement and reforms—small or great—have usually come from the people and not from bureaucrats. There are a few persons who believe that the Federal Government, through its bureaus and agencies, should enter into the States and take over their internal affairs. There are some persons who do not perceive the limitations upon the Federal Government. There are socialists who believe that the States should be merged into the Federal Government and that the latter should carry into effect socialistic policies, modified or extreme. There are some persons with socialistic or communistic views who regard it as a duty of the Government to take over the children and assume the duties and responsibilities of the parents. This legislation, in my opinion, has been advocated by some who have perceived in it an entering wedge for the Federal Government to take over the control and education of the children as well as the duties and functions of the States and their political subdivisions. I think it may be said that Mrs. Kelly, who is recognized as a socialist, if not a communist, has been an active champion of this measure. Miss Grace Abbott and other intelligent and charming women have actively supported this measure, and, as I believe, have gone further in seeking to superimpose upon the States Federal authority in matters relating to children and other domestic and local matters.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BINGHAM. Has the Senator from Utah spoken both on the bill and on the amendment for 20 minutes?

Mr. KING. Mr. President, I think I occupied my 15 minutes on the bill before the recess.

Mr. NORRIS. Mr. President, I desire to speak on the amendment, and not on the bill, at this time. I may want to speak later on the bill.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. NORRIS. I have only five minutes.

Mr. BARKLEY. I should like to suggest the absence of a quorum.

Mr. NORRIS. Oh, no; I think there is a quorum here.

Mr. President, I am not finding fault with the theory of those who are opposed to this kind of legislation. In a general way I have a great deal of sympathy with the position taken by the junior Senator from Utah [Mr. KING]. I do not see, however, any point in the proposition of limiting this legislation at the present time.

As is well known, this legislation was enacted into law and put upon the statute books, and was there all together for seven years. The time expired some time ago. Now the proposition is in this bill to make it permanent.

I am in favor of the bill because it seems to me that the experiment—and I regarded it as an experiment myself at the beginning, and I think most Senators voted on the limitation on that theory—has been an exceedingly beneficial one, and that work has been done under this law that would not have been done by the States and will not be done by the States if this bill is defeated.

If it is intended to limit the life of the bill on the ground—and it seems to me that is the only legitimate reason for limiting it as to time—that it is an experiment, we have already had that experiment. If, later, in time to come it is discovered that the States have taken over this work, as the Senator from Utah says it is hoped they will, but have not yet done—if that happens we can easily repeal the law.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. Yes.

Mr. KING. May I say to the Senator that the States have taken over the work, with the exception of a limited number, and there is no doubt but that they will promptly do so?

May I say, while I have the floor—the Senator interrupted me—

Mr. NORRIS. All right.

Mr. KING. The President makes one suggestion which it does seem to me should appeal to the Senator—namely, that any sort of legislation relating to public health should be under the control of the Public Health Service of the United States, and all of the activities relating to public health carried on by the Federal Government should be under the jurisdiction of one agency instead of scattering them through a number of agencies.

Mr. NORRIS. Mr. President, it was quite evident that the President was in favor, and other people were in favor, of putting it under the Public Health Service. There was a meeting some time ago, the intent of which was to create a sentiment, and get behind the movement to create sentiment, in favor of taking that course, and although it was backed by the power and the influence of the administration, they were completely overturned in that meeting. Those who had given the greatest study and spent most time in perfecting this kind of legislation were opposed to turning it over to the Public Health Service.

There has been no criticism, so far as I know, of the administration of the law. Of course, there are those who are opposed to the fundamental principle, and, as I said, I am not quarreling with them. They may be right. But, as far as the administration of the law is concerned, so far as I have heard or have read, there has not been a word of criticism. It is conceded by those who oppose it, I think, that vast good has been brought about, and to my mind that is a sufficient answer to those who now want to place it under the control of somebody else and take it away from the control of those who have made a success, an admitted success, of the law and its administration.

The PRESIDING OFFICER. The Senator has 15 minutes on the bill.

Mr. NORRIS. I will not take that at this time.

Mr. BARKLEY. Mr. President, I made a few remarks on this bill prior to our adjournment for the holidays, and I had hoped we might get a vote upon it within some reasonable time without much further discussion. But I can not refrain from occupying just a few moments with reference to the amendment offered by the junior Senator from Utah [Mr. KING].

Of course, I understand that the Senator from Utah is perfectly sincere in his opposition to this bill. He is one of the outstanding opponents in this body of any legislation on the part of the Federal Government in behalf of the welfare of the average man or woman in the United States, and he

is perfectly sincere about it, on the ground that such activities ought to be carried on by the States. Whether he would occupy the same position if he were a member of a State legislature I do not know, but my observation has been that usually those who oppose legislation on the part of the Federal Government for the benefit of the masses of the people on the ground that the activities ought to be undertaken by the State government, are equally opposed to it when undertaken by the State governments. So that I am compelled sometimes to discount opposition here on the ground that it involves the question of States rights. I do not in any way doubt the sincerity of the Senator from Utah when he says he is against this bill, and, being against it, he would like to limit it in any way possible so that it would die automatically at the end of a short period.

The Senator rather sarcastically referred to the proponents and supporters of this measure as communists. The word "communism" has come in recent weeks to be a convenient peg on which to hang opposition to every movement, either in Congress or out of it. If one is in favor of making an appropriation for the welfare of a cow or a hog, that is the height of statesmanship; but if he is in favor of an appropriation which has for its purpose the making of a human being a little more healthy, or giving a baby a right to live equal to the right of an animal, he is denounced as a communist. If one wants to pass an appropriation in the Congress of the United States to feed human beings who are as hungry as mules and horses and cattle, he is a communist; but it is entirely within the province of statesmanship to appropriate \$45,000,000 to feed animals.

I can not subscribe with any degree of patience to that sort of position. I do not know whether Mrs. Kelly, referred to by the Senator from Utah, is a communist or not, and I do not care whether she is or not. I know of millions of honest, patriotic women in the United States who believe in this legislation, concerning whom it is unfair to designate them as communists or as in sympathy with communism.

I do not know how many communists there are in the United States. I saw a statement the other day that there are about 17,000, according to the census, or the report of somebody. I do not know whether those figures are correct or not. There are certainly not very many of them in this country. I saw in the papers yesterday or the day before a statement to the effect that the distinguished international communist sleuth, who has been engaged recently in activities in an effort to find out how many banks have been wrecked because of some whispering reports about insolvency, has made the statement that the agitation down in Arkansas resulting in the congregation of a few honest, hard-working people who were hungry, in order that they might obtain food for their families, was instigated because of communism.

I am going to discuss the drought and food situation here in a few days, as soon as I can get a convenient opportunity to do so. I have a letter from a member of the distinguished Breckenridge family, which has been prominent in the affairs of Kentucky for more than a hundred years, and after an investigation in some of the counties in eastern Kentucky she writes to me a letter which would make an iron man weep if he had any heart in him. She states that 13 per cent of the people in one county where she has made an investigation have not a bite of food in their cabins at this time. Yet if a man advocates the Federal Government doing something for those people that would be on a parity with what we do for animals, he is denounced as a communist.

The newspapers all over the country carry stories that the agitations on behalf of millions of our people who are hungry and needy are instigated because of a desire to uproot the foundations of the Government, and they throw in our faces the anathema that we are communists.

The PRESIDING OFFICER. The Senator has 15 minutes on the bill.

Mr. JONES. Mr. President, the Senator has spoken on the bill.

Mr. BARKLEY. I have occupied the 15 minutes on the bill, to which I was entitled. I hope this amendment will be defeated, and I hope we can get a roll call when the vote comes.

Mr. BINGHAM. Mr. President, I send to the desk an editorial from the New York Sun, which I ask to have read in my time.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read as follows:

[From the New York Sun]

BUREAUCRATS' DELIGHT

The Jones-Cooper bill, which is now before the Senate, is, except for minor details, identical with the Sheppard-Towner Act, which was in effect between 1922 and 1929, and is accordingly open to all the objections to which the former law was open. Nobody has put the principal objection to legislation of this sort better than did President Butler, of Columbia University, in his annual report for 1921, when he said:

"For a long time the excellent limitations of the American form of Federal Government held these movements in check, so far as the National Government itself was concerned. When, however, the ingenious discovery was made that the National Government might aid the States to do what lay within their province but was denied to the National Government itself, the door was opened to a host of schemes."

Elsewhere in that same report President Butler said:

"One of the most noteworthy of recent developments in America is the zeal with which machinery is designed and built ostensibly to serve various public interests and undertakings, but in reality to control them."

These two excerpts, once brought to bear on the vicious Smith-Towner bill, apply equally well to the attempt to revive the Sheppard-Towner law. Consider what the bill now before the Senate proposes under the guise of providing for the welfare of the mothers and infants of the Nation. It appropriates \$1,000,000 a year to be divided among the States, \$15,000 to each State and the balance to be divided according to population, but no payment is to be made to any State until the State has appropriated an equal amount. It creates a board of maternity and infant hygiene, consisting of the Chief of the Children's Bureau, the Surgeon General of the United States, and the Commissioner of Education. It provides that the Children's Bureau shall administer the act and the chief of the bureau be the executive officer. Before receiving any of the money allotted to it a State must submit detailed plans for its expenditure and these plans must meet with the approval of the board. States cooperating with the board must submit such reports as are required or requested by the board. The board may withhold the certificate that authorizes the Treasury to make payment to the State if in its opinion the State agency is not complying with the provisions of the act.

The effect of the bill, in short, is to set up a dictatorship over the whole nation-wide fight to reduce the infant and maternal mortality rates and to centralize that authority in a bureau of the Government which was under severe fire at the recent child welfare conference. The Federal Government can not invade the domain of the States *vis à vis* armis, but bureaucrats have found a way around this difficulty. Dollar-matching legislation opens the way to peaceful penetration.

There is no convincing evidence that the Sheppard-Towner Act in seven years of operation did any good that could not have been accomplished without invasion of State rights. The opposition of the American Medical Association to a bill of this character is a sufficient exposure of its pretensions.

Mr. BINGHAM. Mr. President, that great association, the American Medical Association, is composed of leading surgeons and physicians in the United States, who are devoting their lives to the health of the country and the care of the sick, and who in particular have given liberally of their time, many physicians giving at least half of their time to work in the hospitals for which they receive no compensation at all, and it has never been sufficiently explained why this great association should oppose this legislation, unless it is really not in the public interest and not in the interest of the lives and the health of the mothers and children, for whom its sponsors claim it is really to be passed.

I desired to take only five minutes at this time on the amendment, which I hope will prevail, and I ask how much time remains?

The PRESIDING OFFICER. Half a minute.

Mr. BINGHAM. It seems to me that the Senator from Utah has expressed fully the situation, that in view of all that has passed, at least this experiment ought to be limited to five years and should not go on indefinitely. I am very

glad the Senator from Washington, in charge of the bill, has expressed his willingness to accept that amendment, which I hope may prevail.

Mr. JONES. Mr. President, I want to correct the Senator. I did not say that I would accept it. I said that I would not oppose it.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired, and the question is on the amendment offered by the junior Senator from Utah [Mr. KING].

The amendment was rejected.

The PRESIDING OFFICER. The bill is still open to amendment. If there be no further amendment—

Mr. BLAINE. Mr. President, I doubt very much whether all the Senators realized that this bill might come on for a vote to-day. I think under the circumstances I will suggest the absence of a quorum, so that Senators may have an opportunity to be here when the vote is taken.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Jones	Sheppard
Barkley	Davis	Kendrick	Shipstead
Bingham	Deneen	King	Shortridge
Black	Dill	La Follette	Smith
Blaine	Fess	McGill	Steck
Blease	Fletcher	McKellar	Steiwer
Borah	George	McMaster	Swanson
Bratton	Gillett	McNary	Thomas, Idaho
Brock	Glass	Metcalf	Thomas, Okla.
Brookhart	Goff	Morrison	Townsend
Broussard	Goldsborough	Moses	Trammell
Bulkeley	Harris	Norbeck	Vandenberg
Capper	Harrison	Norris	Wagner
Caraway	Hawes	Nye	Walcott
Carey	Hayden	Oddie	Walsh, Mont.
Connally	Hebert	Partridge	Wheeler
Copeland	Heflin	Pine	Williamson
Couzens	Howell	Ransdell	
Cutting	Johnson	Robinson, Ind.	

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum is present. The bill is open to amendment. If there be no further amendments, the question is on engrossing the bill.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered; and the legislative clerk proceeded to call the roll.

Mr. KING (when his name was called). I have a general pair to-day with the Senator from Delaware [Mr. HASTINGS]. I suppose that pair would apply to this particular vote. However, I transfer my pair with that Senator to the senior Senator from Maryland [Mr. TYDINGS] and vote "nay." I am advised the Senator from Delaware [Mr. HASTINGS] would vote "yea" and the Senator from Maryland [Mr. TYDINGS] would vote "nay" if present.

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. I do not see him in the Chamber. Not knowing how he would vote on this matter, I withhold my vote.

Mr. THOMAS of Oklahoma (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. GLENN]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. GEORGE. I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WAGNER. On this vote I have a pair with the junior Senator from Missouri [Mr. PATTERSON]. I am not able to learn how he would vote if present. Therefore I withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. SMITH. I have previously announced my pair with the Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from Texas [Mr. CONNALLY] and vote "yea."

Mr. FLETCHER (after having voted in the affirmative). I transfer my pair with the Senator from New Jersey [Mr. KEAN] to the junior Senator from Mississippi [Mr. STEPHENS] and let my vote stand.

Mr. GOFF. I desire to announce the necessary absence of my colleague, the junior Senator from West Virginia [Mr. HATFIELD] on account of illness. If present and not paired, he would vote "yea."

Mr. FESS. The Senator from New Hampshire [Mr. KEYES] is absent attending the funeral of a relative. If the Senator from Massachusetts [Mr. WALSH] who is paired with the Senator from New Hampshire [Mr. KEYES] could vote, he would vote "nay."

I desire to announce the following general pairs:

The Senator from New Jersey [Mr. MORROW] with the Senator from Tennessee [Mr. BROCK];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Massachusetts [Mr. WALSH];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from West Virginia [Mr. HATFIELD] with the Senator from Missouri [Mr. HAWES]; and

The Senator from Maine [Mr. HALE] with the Senator from Mississippi [Mr. HARRISON].

Mr. GILLET (after having voted in the negative). I transfer my general pair with the Senator from North Carolina [Mr. SIMMONS] to the Senator from Minnesota [Mr. SCHALL] and let my vote stand. I am not advised how either of these Senators would vote.

The result was announced—yeas 56, nays 10, as follows:

YEAS—56

Ashurst	Davis	Jones	Ransdell
Barkley	Deneen	Kendrick	Robinson, Ind.
Black	Dill	La Follette	Sheppard
Blaine	Fess	McGill	Shortridge
Bratton	Fletcher	McKellar	Smith
Brookhart	George	McMaster	Steiwer
Bulkley	Goff	McNary	Thomas, Idaho
Capper	Goldsborough	Morrison	Townsend
Caraway	Harris	Norbeck	Trammell
Carey	Hayden	Norris	Vandenberg
Copeland	Hebert	Nye	Walcott
Couzens	Heflin	Oddie	Walsh, Mont.
Cutting	Howell	Partridge	Wheeler
Dale	Johnson	Pine	Williamson

NAYS—10

Bingham	Gillett	Metcalf	Steck
Borah	Glass	Moses	
Broussard	King	Shipstead	

NOT VOTING—30

Blease	Hastings	Pittman	Thomas, Okla.
Brock	Hatfield	Reed	Tydings
Connally	Hawes	Robinson, Ark.	Wagner
Frazier	Kean	Schall	Walsh, Mass.
Glenn	Keyes	Simmons	Waterman
Gould	Morrow	Smoot	Watson
Hale	Patterson	Stephens	
Harrison	Phipps	Swanson	

So the bill was passed.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. JONES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Interior Department appropriation bill.

There being no objection, the Senate resumed the consideration of the bill (H. R. 14675) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes.

The VICE PRESIDENT. The pending amendment will be stated.

The CHIEF CLERK. The pending amendment is on page 29, line 16—

MUSCLE SHOALS

Mr. HEFLIN. Mr. President, I shall detain the Senate only a few moments. I understand that in the agreement on the Muscle Shoals measure about to be reached between the House and the Senate conferees fertilizer will not be provided for in the Norris joint resolution. As the Senate well

knows, the original act which designated Muscle Shoals as a Government project provided, among other things, that fertilizer should be made there in time of peace and nitrates for the Government in time of war. At the time the Norris joint resolution passed the Senate I reminded the Senate that there are—

two great forces struggling, seeking to prevent the disposition of Muscle Shoals. Those two forces are the Power Trust and the Fertilizer Trust. The Power Trust does not want Muscle Shoals operated by the Government or by any private enterprise which it can not control. It does not want the country to know how cheaply hydroelectric power can be produced. That is the main reason for its opposition.

The Fertilizer Trust does not want fertilizer made at Muscle Shoals; it does not want the farmer to know how cheaply fertilizer can be produced, and that accounts for its opposition.

Mr. President, that is quoted from a speech I made in the Senate on April 3, 1930; and when the Norris measure was pending in the Senate I offered the following amendment:

Provided, That for the period of 10 years after the enactment of this joint resolution the board is authorized to furnish, free of charge, to any corporation or individual designated by the Secretary of Agriculture and the Federal Farm Board, acting jointly, an amount of power sufficient to produce annually 40,000 tons of fixed nitrogen; and after the expiration of such 10-year period to furnish power to such corporation or individual upon the payment of such reasonable charges therefor as may be fixed by the Secretary of Agriculture and the Federal Farm Board: *Provided further*, That any fertilizer, either mixed or unmixed, produced with the use of such power, shall be sold by such corporation or individual at reasonable rates to be fixed by the Secretary of Agriculture.

That amendment was not adopted.

Then I said:

Mr. President, this amendment goes to the very meat of the issue presented by the enabling act of 1916. One of the main things in the proposal was to make cheap fertilizer for the farmer in time of peace and to make nitrates for the Government in time of war. If my amendment is adopted, it will be made certain that 40,000 tons of fixed nitrogen will be manufactured annually at Muscle Shoals. It will be observed that my amendment does not provide that the power for that purpose shall come alone from the surplus power. I would, if necessary, utilize all of the power at Muscle Shoals to make fertilizer for the farmer.

Mr. President, since this question has been up for consideration in the Senate I perhaps have said more in favor of making cheap fertilizer for the farmers at Muscle Shoals than nearly everybody else in the Senate combined; but I want to call attention to the fact that at the time this measure was pending in the Senate, and I was insisting upon making it certain that fertilizer would be made at Muscle Shoals, the only speech made in behalf of my amendment for that purpose was made by myself. I regret that there has been so little interest manifested in compelling the production of fertilizer at Muscle Shoals. But, Mr. President, enough on that subject.

I do want to insist, however, that the Senate get busy and do everything in our power to have legislation passed at the other end of the Capitol regarding the relief measures that are being held up there. Many misrepresentations are being made. I do not know where gentlemen get their information or misinformation, but it is being repeatedly given out that the cry for food comes from the communists. Mr. President, there is no better or surer way to make communists than for men intrusted with responsible position to stand in the great lawmaking body of the Nation and misrepresent a situation and tax the patience of hungry people to its uttermost by such cheap and dillydallying tactics.

Mr. McKELLAR. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield.

Mr. McKELLAR. Mr. President, I have just seen a dispatch from the United Press, I think, that Mr. John Barton Payne, president of the Red Cross, has appealed to the President to ask the people by private contributions to subscribe \$10,000,000 to the Red Cross fund for the purpose of aiding the hungry. I assume by that that the Red Cross is now at last awakening to the real situation.

Mr. HEFLIN. Mr. President, I am glad that the Red Cross is seeking additional funds, and I shall say a word on

that subject, since the Senator from Tennessee has raised the question.

As I understand, the purpose of the Red Cross is to go immediately to the rescue of people who are in distress. That is so mainly because the Government can not get its machinery in action soon enough to provide immediate relief. That, I understand, is the purpose of the Red Cross work, and people who are liberal with their accumulated wealth have very kindly contributed to cases that have needed immediate attention.

But, Mr. President, I think it is a measly shame that this great Government, the richest in all the world, should wait upon private contributions from men of wealth, to be doled out to patriotic citizens in distress. It is all right and it is a good thing for the Red Cross to go to the rescue, and go quickly, when they hear of acute situations such as we have in many sections of this country, and I commend the Red Cross for the good that it has done and that it is doing and may do; but this Government can not shirk its responsibility in the matter of looking after citizens who have been overtaken, without any fault of their own, by circumstances that place them in a situation where starvation threatens.

In the newspaper last night I read that a child, an American mother's little girl, was being held in Tulsa, Okla., for rent. A poor mother could not pay her rent and the landlord seized her 16-months-old child and held it, and is holding it for the rent.

Mr. President, this Government abolished imprisonment for debt a long time ago, but now we see it coming back in this instance. A writ of habeas corpus was sued out and has no doubt been granted; it should have been; but the Congress can not afford to dally with this question as it is dallying while people in 20 States of the Union are in dire distress.

A Mr. HAMILTON FISH, of New York, a man of immense wealth, who rides back and forth in his limousine, and is free and easy with his talk, says that he has information to the effect that the demand for food out in the States is brought about by communists. That is not so. Other Members of Congress in another branch may be influenced by such suggestions. It is all right to fight the movement of the communists; communism is a deadly peril anywhere; it preaches a doctrine that would destroy the American home; but we will be able to take care of that and it is our duty to oppose it. We do not, however, want any propaganda pushed along behind that attack in order to enable a certain group of people to have this Government take action against the conduct of certain people in Russia. We will attend to that business separately and apart from the purpose of some of those who are agitating and inspiring Mr. Fish and others to investigate communist activities. It is all right to investigate them in orderly fashion, but, Mr. President, when certain people say that the hungry, distressed people who are now asking their Government for aid are communists, they are misrepresenting the facts and guilty of a crime against loyal, patriotic Americans who need and should have Government aid.

Mr. President, I should like to see every Senator in this body arise and enter his protest against the inexcusable tactics that are this day holding up and preventing action on the relief measures passed many days ago by the Senate. Senators, it is wrong; it is outrageous to hold those measures back while waiting for the Red Cross organization to go out and to ask for contributions and to beg with hat in hand for something to give to American citizens whose wives and children are pleading for something to eat. It is nothing short of being an outrage and a crime. Let the Red Cross hasten to give temporary relief, but who here who has a proper appreciation of his duty as a representative in this great lawmaking body is going to sit down and fold his arms and seal his lips and wait for the Red Cross to go out amongst people who are worth millions and ask them to give money to be expended in the States in order to afford relief to farmers who are losing their farms, who are suffering because they failed to make a crop upon which to live, and who are this day surrounded by clouds of gloom and despondency. Mr. President, I repeat, it is a shame that this

Government should stand aloof while the Red Cross goes out and solicits contributions to be given to suffering American citizens. They are not asking aid through charity; they are asking the Government to loan them money. They want to pay the money back. We loaned money to sufferers in the flood-afflicted areas in my State and other States last year. They have paid back about 87 per cent of it and will pay it all back when they shall be able.

Mr. President, the people who are in distress are not begging, and I do not intend that any cheap politics shall be played behind a communistic movement brought forth at this time in order to fight the red Napoleon. It is ridiculous. I am not going to discuss that now, but I will later tell you who first started it and trace it to its source. It is a piece of political propaganda to be used in 1932; and rich Congressmen are playing it up now, to the hurt and injury of millions of suffering people in 20 States of this Union.

Why, talk about Nero fiddling while Rome burned! What have we here? We have the most miserable piece of politics being played here at the other end of the Capitol while people out in the States are in dire distress and calling upon their Government to come to their rescue. They are not asking the Government to give them anything. They do not ask that. They are asking to have this money loaned to them; and what is the Government doing? It is loaning \$150,000,000 to the shipbuilders to build ships for use on the high seas.

When the New York Stock Exchange, with its mighty crash last fall, robbed millions and shook the Nation from center to circumference, the Federal reserve bank up there went to its rescue with millions of dollars. They could furnish the money to supply those stock gamblers when they were prostrate in a gambling spree, reveling in evil doing, destroying property values, and paralyzing the legitimate business of the Nation. The Federal reserve bank of the Government could go to the rescue and supply them with millions, which it did. But out in the States, where there is dire distress among men and women made in God's image, good citizens, patriotic people who give their sons when the tocsin of war sounds, we can not go to their rescue. We must wait for John Barton Payne to get in touch with rich people who are kindly disposed, and who may or may not give money to be doled out to them through charity! I repeat they do not ask such a thing, Mr. President. We might just as well serve notice on all concerned now that we will not stand for such a thing. The issue must be met. Those who want the Government to go to the rescue of these suffering people, and go at once, gird your loins for battle and let us challenge the opposition to meet us in the open. Let us ask them, Are you wanting the people in the States to suffer and wait until correspondence can be had with people who may give something to the fund of the Red Cross? Or are you willing to fight to secure the appropriation of \$60,000,000 by the House to feed starving people here at home? This great Government gave \$20,000,000 at one time to Russia, a foreign country, to feed her starving people, and one hundred million to feed the starving people of Europe at another time. I call that to the attention of the House. Surely Members there will vote to "loan" half \$120,000,000 to distressed, suffering people in the United States.

Let us put the issue plainly to them. The House ought to act upon these measures. These measures ought not to be held up another day. If there is suffering in the cities anywhere, if it can be shown to me that the army of the unemployed can not be reached and supplied otherwise, I will vote for a measure to appropriate money to loan to them to buy food for themselves and their families; but these farm-relief measures should not be held up because they do not carry provisions for the other cause. Let legislators amend these bills if they want to, but let us get action.

I appeal to those in the House who hail from the drought-afflicted areas to seek to get a rule from the Rules Committee. I appeal to them to move to suspend the rules. They can do either one or both; but I have not seen any effort to do that. I am disappointed and displeased because I have not.

Mr. President, it too frequently happens that men of wealth who come and knock at the door have no trouble getting a hearing. Too often legislators are only too glad to grant their requests; but they do not listen much to these people far out in the States away from the Capital, people who are not as influential in public affairs as some of these higher-ups in the political world. Their voice is not heard so much. But, Mr. President, these people in the States are going to remember. They should not and will not soon forget these things.

In the hope that I may bring to the attention of some gentlemen in another legislative body an appeal that they never had before, because some live in an atmosphere and move in a circle far removed from those who struggle and toil amidst great hardships and who know what it is to be hungry and to suffer for the common necessities of life, I desire to read a poem entitled:

THE MONEYLESS MAN

By Mr. H. T. Stanton, of Kentucky

Is there no secret place on the face of the earth
Where charity dwelleth, where virtue has birth,
Where bosoms in mercy and kindness will heave,
When the poor and the wretched shall ask and receive?
Is there no place at all where a knock from the poor
Will bring a kind angel to open the door?
Oh, search the wide world, wherever you can,
There is no open door for a moneyless man.

Go look in your hall where the chandelier's light
Drives off with its splendor the darkness of night;
Where the rich hanging velvet in shadowy fold
Sweeps gracefully down with its trimmings of gold;
And the mirrors of silver take up and renew
In long-lighted vistas the wildering view;
Go there at the banquet and find, if you can,
A welcoming smile for a moneyless man.

Go look in yon church of the cloud-reaching spire,
Which gives to the sun his same look of red fire;
Where the arches and columns are gorgeous within
And the walls seem as pure as a soul without sin;
Walk down the long aisles; see the rich and the great
In the pomp and the pride of their worldly estate;
Walk down in your patches and find, if you can,
Who opens a pew for a moneyless man.

Go look in the banks, where Mammon has told
His hundreds and thousands of silver and gold;
Where safe from the hands of the starving and poor
Lie piles upon piles of the glittering ore;
Walk up to their counters—ah, there you may stay
Till your limbs shall grow old and your hair shall grow gray,
And you'll find at the bank not one of the clan
With money to lend to a moneyless man.

Go look to your judge, in his dark, flowing gown,
With the scales wherein law weigheth equity down;
Where he frowns on the weak and smiles on the strong
And punishes right whilst he justifies wrong;
Where juries their lips to the Bible have laid
To render a verdict they've already made;
Go there in the court room and find, if you can,
Any law for the cause of a moneyless man.

Then go to your hovel—no raven has fed
The wife that has suffered too long for her bread;
Kneel down by her pallet and kiss the death frost
From the lips of the angel your poverty lost;
Then turn in your agony upward to God
And bless while it smites you the chastening rod;
And you'll find at the end of your life's little span
There's a "welcome" above for a moneyless man.

Mr. President, I commend that poem to the careful and prayerful consideration of those Members of the House who are turning a deaf ear to the hungering, suffering people of our country.

INTERIOR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 14675) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. JONES. Mr. President, I desire to state that the senior Senator from Utah [Mr. Smoot], who has charge of the Interior Department bill, is necessarily absent for a short while, and he asked me to proceed with the bill.

This may not be any inducement for prompt action on the measure, but I want to express the hope that we may get

the bill through to-day, and I should be in favor of the Senate adjourning when we get through with the bill.

Mr. KING. Mr. President, I inquire whether the amendment now under consideration is on line 16, page 29?

The VICE PRESIDENT. That is the amendment.

Mr. KING. I ask that it may go over for the moment.

The VICE PRESIDENT. The Senator desires that it be passed over without prejudice?

Mr. KING. Without prejudice.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

Mr. KING. I have no objection to agreeing to it with the understanding that we may recur to it.

Mr. JONES. Oh, yes; if the Senator desires to recur to it there will be no objection to that course. I would rather have it agreed to, and then, if the Senator desires, recur to it.

The VICE PRESIDENT. Without objection, the amendment will be agreed to with that understanding. The clerk will continue the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 32, line 24, after the name "Montana," to strike out "\$18,000" and insert "\$18,100," and on page 33, line 10, after the words "in all," to strike out "\$338,000" and insert "\$338,100," so as to read:

For operation and maintenance of the irrigation systems on the Flathead Indian Reservation, Mont., \$18,100; for continuation of construction, Camas A betterment, \$10,000; beginning construction of Lower Crow Reservoir, \$90,000, together with the unexpended balance of the appropriation for completing the Kicking Horse Reservoir contained in the Interior Department appropriation act for the fiscal year 1931; beginning Pablo Reservoir enlargement, \$85,000; lateral systems betterment, \$25,000; miscellaneous engineering, surveys and examinations, \$5,000; purchase of reservoir and camp sites, \$55,000; for the construction or purchase of a power distributing system, \$50,000; in all, \$338,100.

Mr. KING. Mr. President—

Mr. JONES. Those are salary amendments.

The VICE PRESIDENT. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. KING. Mr. President, I want to say that with respect to this appropriation generally for the Flathead Indian Reservation I shall have something to say, and may move to strike out a large part of this appropriation.

Mr. JONES. I suggest to the Senator that the only amendments there are salary increases.

Mr. KING. Oh, I see! What I meant by that was that I presume that from a parliamentary standpoint, an amendment having been offered to the bill, it will be my duty, if I challenge the original appropriation, to offer an amendment to the amendment. That is what I had in mind.

Mr. JONES. Oh, yes.

Mr. KING. So I have no objection to this amendment being accepted, with the understanding that I do not lose the opportunity to challenge the entire appropriation or any part of it.

The VICE PRESIDENT. The clerk will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 35, line 1, after the word "thereunder," to strike out "\$5,000" and insert "\$5,400," and in line 6, after the words "in all," to strike out "\$28,300" and insert "\$28,700," so as to make the paragraph read:

For maintenance and operation of the irrigation systems on the Crow Reservation, Mont., including maintenance assessments payable to the Two Leggings Water Users' Association and Bozeman Trail Ditch Co., Montana, properly assessable against lands allotted to the Indians irrigable thereunder, \$5,400; for cooperation with or payment to an irrigation district formed for the purpose of reclaiming seeped areas under the Two Leggings Unit, embracing approximately 1,240 acres of trust patent Indian land, \$19,840; for construction of drainage for agency lands, \$3,460; in all, \$28,700, to be reimbursed under such rules and regulations as may be prescribed by the Secretary of the Interior in accordance with the act of May 26, 1926 (44 Stat. 658-660).

The amendment was agreed to.

The next amendment was, on page 38, after line 16, to insert:

For continuing construction of the Wapato irrigation and drainage system, for the utilization of the water supply provided by the act of August 1, 1914 (33 Stat. 604), \$360,000, reimbursable as provided by said act.

Mr. KING. Mr. President, I ask that that amendment go over. I desire to say to the Senator that the House refused to make this appropriation, and Mr. Cramton in his report emphatically declared against it. I see no reason why we should make the appropriation, especially in view of the record that has been made upon this reservation.

Mr. JONES. I think the record of this reservation fully justified it; and I can see no justification for the House leaving it out, either in the testimony that they took or otherwise. As the Senator knows, I think I know the situation very well.

Mr. KING. I ask that it may go over.

The VICE PRESIDENT. The amendment will be passed over without prejudice.

The next amendment was, under the subhead "Education," on page 40, line 7, after the word "therewith," to strike out "\$3,518,000" and insert "\$3,557,750," so as to read:

For the support of Indian day and industrial schools not otherwise provided for, and other educational and industrial purposes in connection therewith, \$3,557,750.

Mr. BRATTON. Mr. President, I desire to offer an amendment to the amendment, and the matter which I have in mind should be embraced in four amendments. Accordingly, with the consent of the distinguished Senator from Washington now having the bill in charge, I shall offer them as one amendment and ask that they be considered together.

The first amendment is this: On page 40, line 7, instead of the figures "\$3,557,750," I move to insert "\$3,587,750."

The second amendment is on page 43, line 1, to strike out "\$475,000" and to insert in lieu thereof "\$495,000."

Mr. KING. Is that the same amendment carried forward?

Mr. BRATTON. I shall explain it in a moment. Then, on the same page, the same line, to strike out "\$800,000" and insert in lieu thereof "\$820,000."

The last is on the same page, line 19, to strike out the period and insert a semicolon and the words "Pueblo and Hopi day schools, \$20,000."

Let me say that the effect of these four amendments together will be to add \$50,000 for Hopi and Pueblo day schools, \$30,000 of it being for teachers and \$20,000 for construction work.

The need for this additional money was brought to my attention while the bill was pending before the Committee on Appropriations. I communicated with the Commissioner of Indian Affairs, and was assured by him that the money is needed. The matter was presented to the committee; I was given permission by the committee to offer the amendments on the floor. I hope that they will be accepted and the matter taken to conference. I appeal to the Senator from Washington to do that.

Mr. JONES. Mr. President, these amounts are not estimated for, are not covered by Budget estimate, they have not been reported by the committee, and the committee has passed a general rule directing that a point of order be made to an amendment offered on the floor that is subject to a point of order. Under that rule of the committee I feel compelled to make the point of order against these amendments.

Mr. BRATTON. Mr. President, I concede that the point of order is well taken, but the rule to which the Senator refers has been waived on previous occasions by the Senator, as well as others of us who are members of the committee. I make no complaint against that. I do feel, however, that the need of this additional money is sufficiently urgent to justify the Senator in letting the matter go to conference, and if it can not be justified there by the department, it can be stricken. Under the circumstances, I appeal to the Senator not to interpose the point of order.

Let me say, on behalf of these Indians, that they need all of the assistance they can get. This is not a waste of money. No more useful purpose could be suggested than this, and on behalf of those people who need additional school facilities I renew the appeal to the Senator from Washington to let the matter go to conference.

Mr. JONES. Mr. President, the Senator makes, of course, a very appealing statement. With reference to action heretofore, I remember only one time when I did not make a point of order under similar circumstances, and I regretted that a very short time after I had failed to make the point.

If the point of order is not made to this amendment, I can not make it to any other amendment which may be offered; and while I know this is a very appealing proposition, I feel that under the circumstances I shall insist on the point of order.

Mr. BRATTON. Very well, Mr. President, I make no complaint against the Senator for waiving the point of order on a previous occasion. Perhaps the rule is a wise one in the main, but I think it operates injuriously at times and will do so with harshness in this case. But I concede that the point of order is well taken if the Senator feels compelled to insist on it.

The VICE PRESIDENT. The point of order is sustained, and the question is on the amendment.

The amendment was agreed to.

The next amendment was, on page 41, line 15, after the word "tuition," to insert "and other educational purposes," so as to make the proviso read:

Provided, That not more than \$7,500 of the above authorization of \$760,000 shall be expended for new construction at any one school unless herein expressly authorized; for tuition and other educational purposes among the Five Civilized Tribes, there may be expended from tribal funds of such nations \$77,000 as follows: Chickasaw Nation, \$22,000; Choctaw Nation, \$55,000.

The amendment was agreed to.

The next amendment was, on page 43, line 6, after the figures "\$45,000," to insert a comma and the words "to be immediately available," so as to read:

For lease, purchase, repair, and improvement of buildings at Indian day and industrial schools not otherwise provided for, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$325,000; for construction of physical improvements, \$475,000; in all, \$800,000: *Provided*, That not more than \$7,500 out of this appropriation shall be expended for new construction at any one school or institution except for new construction authorized as follows: Turtle Mountain, N. Dak., employees' quarters, \$35,000; Fort Apache, Ariz., girls' dormitory, \$45,000, to be immediately available; addition to school building, \$8,000; in all, \$53,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 19, to insert:

For repair, improvement, replacement, or construction of additional public-school buildings within Indian reservations in Arizona, attended by children of the Indian Service, to be equipped and maintained by the State of Arizona, \$5,000.

The amendment was agreed to.

The next amendment was, on page 50, line 10, after the figures "\$181,625," to insert a colon and the following proviso:

Provided, That the appropriation contained in the Interior Department appropriation act for the fiscal year 1931 for new school building, auditorium, and gymnasium, including equipment, is hereby continued available until June 30, 1932.

So as to read:

Pierre, S. Dak.: For 325 pupils, \$108,625; for pay of superintendent, drayage, and general repairs and improvements, \$18,000; for central heating plant, \$55,000; in all, \$181,625: *Provided*, That the appropriation contained in the Interior Department appropriation act for the fiscal year 1931 for new school building, auditorium, and gymnasium, including equipment, is hereby continued available until June 30, 1932.

The amendment was agreed to.

The next amendment was, on page 51, line 6, after the word "exceed," to strike out "\$5,500,000" and insert "\$5,535,000," so as to read:

In all, for above-named nonreservation boarding schools, not to exceed \$5,535,000, together with \$25,000 of the unexpended balance of the appropriations for support, and for pay of superintendent, drayage, and general repairs and improvements, for the Fort Bidwell School, California, for the fiscal year 1931, which is hereby reappropriated for this purpose.

Mr. KING. Mr. President, what is the reason for that increase?

Mr. JONES. It is a salary increase.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 53, line 2, to strike out "\$400,000" and insert "\$403,500," so as to read:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, in accordance with the provisions of article 5 of the agreement made and entered into September 26, 1876, and ratified February 28, 1877 (19 Stat. 254), \$403,500.

Mr. JONES. That is a salary increase.

The amendment was agreed to.

The next amendment was, on page 53, line 15, after the word "including," to strike out "\$350,000" and insert "\$351,370," and in line 22, after the word "total," to strike out "\$799,000" and insert "\$800,370," so as to read:

Natives in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for support and education of the Eskimos, Aleuts, Indians, and other natives of Alaska, including necessary traveling expenses of pupils to and from industrial boarding schools in Alaska; erection, purchase, repair, and rental of school buildings; textbooks and industrial apparatus; pay and necessary traveling expenses of superintendents, teachers, physicians, and other employees; repair, equipment, maintenance, and operation of the U. S. S. *Bozer*; and all other necessary miscellaneous expenses which are not included under the above special heads, including \$351,370 for salaries in the District of Columbia and elsewhere, \$24,000 for traveling expenses, \$170,000 for equipment, supplies, fuel, and light, \$25,000 for repairs of buildings, \$146,000 for purchase or erection of buildings, \$73,000 for freight, including operation of U. S. S. *Bozer*, \$4,500 for equipment and repairs to U. S. S. *Bozer*, \$1,500 for rentals, and \$2,000 for telephone and telegraph; total, \$800,370, to be immediately available.

Mr. JONES. That is a salary increase.

The amendment was agreed to.

The next amendment was, under the subhead "Conservation of Health," on page 54, line 25, after the word "diseases," to strike out "\$4,050,000" and insert "\$4,085,000," so as to read:

For conservation of health among Indians, including equipment, materials, and supplies; repairs and improvements to buildings and plants; compensation and traveling expenses of officers and employees and renting of quarters for them when necessary; transportation of patients and attendants to and from hospitals and sanatoria; returning to their former homes and interring the remains of deceased patients; not to exceed \$100,000 for construction of employees' quarters, other than those named herein; and not exceeding \$1,000 for printing and binding circulars and pamphlets for use in preventing and suppressing trachoma and other contagious and infectious diseases, \$4,085,000, including not to exceed the sum of \$2,282,000 for the following-named hospitals and sanatoria.

The amendment was agreed to.

The next amendment was, on page 58, line 2, before the name "South Dakota," to strike out "Pierre," so as to read:

Provided further, That this appropriation shall be available for construction of hospitals and sanatoria, including equipment, as follows: Albuquerque Sanatorium, and employees' quarters, New Mexico, \$375,000; Sioux Sanatorium, and employees' quarters, South Dakota, \$375,000; Ignacio Hospital, Colorado, \$75,000; in all, \$825,000.

The amendment was agreed to.

The next amendment was, on page 59, line 1, before the word "payable," to strike out "\$100,000" and insert "\$100,960," so as to read:

For support of hospitals maintained for the benefit of the Chippewa Indians in the State of Minnesota, \$100,960, payable from the principal sum on deposit to the credit of said Indians arising under section 7 of the act of January 14, 1889 (25 Stat., p. 645).

The amendment was agreed to.

The next amendment was, on page 59, at the end of line 16, to strike out "\$50,000" and insert "\$50,680," so as to read:

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, \$50,680.

The amendment was agreed to.

The next amendment was, on page 60, line 2, after the word "heads," to strike out "\$319,000" and insert "\$319,520," so as to make the paragraph read:

Medical relief in Alaska: To enable the Secretary of the Interior, in his discretion, and under his direction through the Bureau of Indian Affairs, with the advice and cooperation of the Public Health Service, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; erection, purchase, repair, rental, and equipment of hospital buildings; books and surgical apparatus; pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, \$319,520, to be available immediately.

The amendment was agreed to.

The next amendment was, under the subhead "General support and administration," on page 60, line 6, after the word "employees," to strike out "\$1,275,000" and insert "\$1,292,000," so as to read:

For general support of Indians and administration of Indian property, including pay of employees, \$1,292,000.

The amendment was agreed to.

The next amendment was, on page 60, commencing at line 7, to strike out "including not to exceed \$10,000 for home demonstration work among Indians, including necessary personnel, travel, and other necessary expenses, and purchase of equipment and supplies; and."

Mr. BRATTON. Mr. President, let me ask the Senator in charge of the bill the purpose of striking out that limitation.

Mr. KING. What page is that?

Mr. BRATTON. Page 60, line 7.

Mr. JONES. Mr. President, I find a notation on the bill of the senior Senator from Utah [Mr. Smoot] to the effect that the striking out of this was asked for by the department, that it was too much of a limit. I find in the hearings this statement of Mr. Dodd regarding the home demonstration work:

We are not asking for an increase in that item, but we should like to ask that that language be stricken from the item. In our estimates we had included approximately \$40,500 for home demonstration work under the general appropriation for industrial advancement and assistance, which amount was to be used in addition to funds taken from the various items made in fulfillment of treaty obligations for pay of employees.

Senator SMOOT. We have given you an increase of \$205,000 in your appropriation this year.

Mr. DODD. Yes, sir.

Senator SMOOT. We also gave you an increase of \$121,000 above the estimate.

Mr. DODD. That is brought about, Senator, through the consolidations which appear on the next page of the bill, wherever you have not treaty obligations; and that is the reason why the limitation of \$10,000 should be stricken from the text of the bill, because at the present time we are paying for home demonstration work from those funds. The \$10,000 will permit of no expansion in that work, but merely carrying on what we have; and if it stays in, with these treaty items included in the text of the item, it means that we will have to curtail the activities which are now being carried on, because the \$10,000 not only applies to the full appropriation but to the text which follows.

Mr. BRATTON. Mr. President, if I understand the situation correctly, the House language would preclude the department from using more than \$10,000 for home demonstration work.

Mr. JONES. Yes.

Mr. BRATTON. Whereas under the Senate committee amendment the department might allocate any part of the \$1,275,000 to that work. Does the Senator think it is wise to leave it entirely to the department to allocate any part of the sum without limitation as to amount?

Mr. JONES. I am inclined to think that is wise. I do not think we will find the department reckless in a matter of that kind or using unnecessary amounts. They know that if they do that one year, then we will certainly learn of it and put a very drastic limitation on it again. They ought

to know better, too, just what amount they will need than we do.

Mr. BRATTON. Can the Senator from Washington tell us whether such a limitation has been included in previous bills?

Mr. JONES. There was no limitation last year, I am told.

Mr. BRATTON. This is a new venture?

Mr. JONES. Yes.

Mr. KING. Mr. President, I would like to inquire of the Senator what part of this \$1,292,000 is to be used for the support of Indians and what part for the administration of Indian property. I appreciate that the Senator will find great difficulty, as I think almost any other person would, in answering that question, but I am induced to propound it for the reason that any person attempting to find out what is done with the appropriations carried in these Indian appropriation bills would find himself in an inextricable maze of difficulty; indeed, he would find himself, changing the simile, against a stone wall. I find in reading this report that large appropriations are carried, for instance, for the Klamath Indians and for the Yakima Indians and for the administration of the various reservations and Indian projects. It is presumed, from reading those appropriations carried in those specific instances with reference to particular and specific reservations, that the appropriations there printed are all that are to be made for the support of the Indians specifically referred to and for the administration of their property.

We find an omnibus provision here of \$1,292,000 for administration and for the general support of Indians. I find that in many cases where only a limited number of employees have been reported that the fact is that there are many more. Those additional employees are taken care of in further provisions in the bill which deal in a general way with Indian affairs rather than with specific appropriations for specific reservations. No one can go through this bill and find out what expenditures will be made on behalf of any particular reservation or the charges against the Indians of any particular tribe.

The appropriations are so juggled that it is humanly impossible for anybody to find out just what is chargeable to reservations or to a tribe, or what is spent upon a reservation for any particular purpose. There are, as stated, specific appropriations, and there are thrown into general funds a large number of appropriations, and they may be used for any purpose alleged to be connected with the Indians. Congress has no sufficient check upon the activities of the Indian Bureau and its thousands of employees. That is one of the reasons why there is so much criticism of the bureau and why the Indians feel that they are being injured and robbed; they believe that it is impossible for them to determine just what has been done with the funds with which they are charged from the appropriations which are made and presumed to be for their benefit and to be expended upon their particular reservation.

Mr. JONES. Mr. President, the Senator is correct in his statement that it is impossible for anybody going through the bill to determine the particular items for which the appropriations have been made. If we were to incorporate in the bill the details of every item for which a particular amount is appropriated we would have a bill of very great size. I can not tell the Senator the particular amounts for particular items included in the \$1,292,000, but I have had occasion to examine the hearings in the House on various appropriation bills. I said one time, before I became chairman of the Committee on Appropriations and an appropriation bill came over to the Senate, that I thought I would examine into it very carefully and see whether or not there was any item in the bill that I thought was not justified. I took particular pains to study the hearings on two or three appropriation bills. I had to make the statement that I found no item in the bill that was not fully justified in the hearings before the Appropriations Committee of the House.

The Senator has no doubt examined the hearings held in the House on various appropriation bills and I think he

will agree with me that it is really remarkable to see the attention and study and investigation the House Committee on Appropriations give to the various items. They take thousands of pages of testimony going into the items very minutely. I think the Senator will find in the hearings before the House committee on this particular item that there is testimony covering practically every dollar of the appropriation and distributing every particular item.

Mr. THOMAS of Oklahoma. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Washington yield to the Senator from Oklahoma?

Mr. JONES. In just a moment. It is true that the Budget sends down detailed figures with reference to the estimates submitted and the House committee bases its appropriations very largely upon those estimates. The aggregate sum of money is to be distributed and expended according to those particular estimates. Of course, sometimes an amount is put in that exceeds the Budget estimate or differs from it. When that is done it is indicated in the report of the committee. The administrative officers are practically directed how the money shall be expended.

As I said, the Senator will find in the Budget estimate and in the hearings of the House every dollar of the \$1,292,000 accounted for and practically direction is given as to how it shall be expended.

I yield now to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. In line with what has been said I want to invite the attention of the chairman of the committee to the paragraph on page 23 embraced in lines 5 to 8, reading as follows:

For the purpose of retaining remunerative employment for Indians, \$70,000, and the unexpended balance for this purpose for the fiscal year 1931 is continued available for the same purpose for the fiscal year 1932.

I would like to ask the chairman of the Committee on Appropriations if what he just said applies to this particular item?

Mr. JONES. I think so. Of course, I have not investigated the hearings with respect to that particular item, but from my experience, as I have said, in examining the hearings held before the House Committee on Appropriations I would say that that is true. That is only based on my experience and study of the House hearings heretofore. It may be possible that that was not done in this particular case, but I think there will be found very few items contained in the bill which are not fully justified by the hearings. There may be some items that Senators think are justified in the hearings which are not in the bill. That is probably true; but I believe there will be found ample justification in the House hearings for every item that is contained in the bill.

Mr. THOMAS of Oklahoma. Mr. President, on the particular item mentioned the House hearings contain several pages in an effort to justify the appropriation. It is an appropriation which has already been made. At a later time when I have the opportunity I shall submit a motion to strike those lines from the bill. Inasmuch as I have something to say about the matter I might as well say it now, because it supports the contention made by the junior Senator from Utah [Mr. KING].

Mr. JONES. Would not the Senator prefer to make his remarks when he submits his motion to strike out?

Mr. THOMAS of Oklahoma. The matter has been placed before the Senate, a charge has been made in effect by the junior Senator from Utah, and a defense has been interposed by the chairman of the Committee on Appropriations, and I know of no better time to call the attention of the Senate to it than now.

We have in the bill an item of \$70,000 proposed to be made available for the purpose of finding employment for Indians. This matter originated several years ago. A former Congressman from Oklahoma [Mr. Howard] introduced the bill in the House proposing to create an employment agency for the purpose of finding employment for Indians. After the bill had been discussed in the House and in the Senate for

some time the Indian Bureau saw fit to include in the Interior Department appropriation bill an item of \$50,000 for the employment of Indians. That item was made available last year. One would naturally think that in carrying out the appropriation the Interior Department and the Indian Bureau would organize at some place an employment agency and have some place for Indians to go and make application for employment. The fact is that the Indian Bureau has not done that.

I desire to call the attention of the Senate to the House hearings as found on page 782 and a few pages thereafter. I wish to read briefly from those hearings.

Mr. CRAMTON made the statement:

The next item is "for the purpose of obtaining remunerative employment for Indians, \$75,000."

Mr. Dodd, representing the Indian Bureau, made this explanation:

The object of our employment work is to find and develop suitable opportunities for Indian men and women in commercial and industrial lines, to make contacts with the Indians and with the prospective employers, and, once having made a placement, to see that there is proper follow-up work so that there may be no loss of interest either on the part of the Indian or his employer.

While \$50,000 was made available for such purposes during 1931, our plans for the employment work are still in a more or less formative stage. Our present organization comprises—

Here is the way the Indian Bureau is spending that \$50,000:

Our present organization comprises 1 employee stationed in Minneapolis, whose title is guidance and placement officer; 2 placement agents, both Indians, with headquarters in Salt Lake City and Phoenix, respectively; 3 outing centers at Los Angeles and Berkeley, Calif., and Phoenix, Ariz.; an overseer of Indian employment at San Carlos, Ariz., whose duties consist principally of obtaining Indian workers for the cotton fields; and 1 assistant placement officer who is now engaged in the preparation of forms and other detailed work which is essential to this activity. Within the near future we expect to have a guidance and placement officer with headquarters in Kansas City.

This idea originated where we have one-half of the Indians in the United States in the State of Oklahoma. We have in the State of Oklahoma 2,500,000 people. Of that number we have 150,000 Indians. These Indians are controlled and governed by the Congress. They have nothing to do with the State legislature. The legislature can not legislate for them. They have little to do with the county government, with the township government, or the city government. These Indians are governed by the Congress of the United States, and here in this body we make policies, or are presumed to make policies, to govern the Indians. I say that in justification of the amendments I shall offer as we proceed with the bill.

Mr. KENDRICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Wyoming?

Mr. THOMAS of Oklahoma. I yield.

Mr. KENDRICK. I want to ask the Senator from Oklahoma if he objects to the effort to provide for employment for the Indians or does he object to the method under which we are proceeding?

Mr. THOMAS of Oklahoma. The method under which we are proceeding.

Mr. KENDRICK. May I say to the Senator that, from my viewpoint, no actual appropriation has been included in an Interior Department appropriation bill that would bring as much wholesome result to the Indian as this kind of an item, provided only the method is correct under which the employment is sought to be procured.

Mr. THOMAS of Oklahoma. I agree with the Senator thoroughly. My objection is not to the provision or the amount, but to the way the money has been spent.

I shall proceed to call the attention of the Senate to what developed in the House hearings. Here is what Mr. Dodd said about how the money is being spent and the end to be obtained by the expenditure of \$70,000 or \$75,000:

Effort is made to cooperate with local committees, churches, and other welfare organizations in providing these Indians with wholesale entertainment and social contacts with the right kind of people.

Mr. President, a little further on Mr. CRAMTON, chairman of the House subcommittee—and I want to say in his behalf that there is no Member of the House who is better acquainted with the Indian problem than is he—became impatient with the explanation made upon this item and at a later date in the hearings he asked the Indian Bureau—and when I say the Indian Bureau I do not mean the Secretary of the Interior—for an explanation. The Senator from Utah [Mr. KING] made a suggestion that the bill is a hodgepodge. It is worse than that. It is a Chinese puzzle. There is no Member of this body who has conception of what the bill means. If there is, I yield now for him to make the statement that he understands it. There is no Member of either body who has any comprehension of what the bill means.

Mr. SMOOT. Does the Senator refer to any item in the bill or to the whole bill?

Mr. THOMAS of Oklahoma. I refer to the Interior Department appropriation bill which has reference to the Indian Bureau and the Indians.

Mr. SMOOT. The Senator said there is no one knows anything about what is in the bill?

Mr. THOMAS of Oklahoma. I make the statement flatly that there is only one person in the United States that knows what the bill means, and that man is Mr. Dodd, in the Indian Bureau. When the hearings were progressing—

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the junior Senator from Utah?

Mr. THOMAS of Oklahoma. I yield.

Mr. KING. I think Mr. Dodd does not know the implication of many of the appropriations which have been made and many of the statutes which have been enacted and many of the regulations which have been promulgated. He is not familiar with them and does not know the direct or indirect results that will flow from the operation of the provisions of the bill.

Mr. THOMAS of Oklahoma. Mr. President, in connection with former bills items have been proposed before the committee for appropriation. The Indian Bureau comes before the committees to present their set-up. They explain to the committee what they propose to do with the money if it is made available and then the bill is so drawn as to make the money available not only for the purpose mentioned but for other purposes. Then the Indian Bureau, under the control of Mr. Dodd, so far as the money is concerned, proceeds to spend that money as it sees fit. The Senate does not understand the bill. The House does not understand it. The Secretary of the Interior does not understand it. The Indian Commissioner does not understand it. But one man in the bureau and in the Interior Department understands it.

Mr. SMOOT. The Senator from Oklahoma understands it, does he not?

Mr. THOMAS of Oklahoma. No; I do not.

Mr. SMOOT. There is only one man in the world who knows anything about it?

Mr. THOMAS of Oklahoma. I did not say that. I said there is only one man in the Interior Department who understands the bill.

Mr. KING. And I say he does not understand it.

Mr. SMOOT. The Senator said he did not understand it.

Mr. THOMAS of Oklahoma. I did not take in as much territory as did the distinguished senior Senator from Utah.

Mr. SMOOT. I perhaps took in too large a territory.

Mr. THOMAS of Oklahoma. I myself think the Senator did.

Mr. SMOOT. I think that no one outside of the United States had even thought of it or knows anything about it.

Mr. THOMAS of Oklahoma. Mr. President, I want to proceed with the House hearings on this particular item.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. THOMAS. I yield.

Mr. SMOOT. I was going to call attention to the further fact that in the hearings in the House the Senator will see

that there were questions asked by the members of the House committee. Mr. Dodd answered every question, telling exactly what the items were for and why the appropriation was requested.

I will say to the Senator that, of course, it would be impossible for me to say whether \$50,000 or \$51,000 will be expended for the purpose of obtaining remunerative employment for the Indians; I do not believe that anyone can say whether the amount will be \$50,000 or \$51,000 or \$49,000; but the Indian Bureau has had similar appropriations in the past. This is only carrying out previous policy with reference to items in Indian appropriation bills for years past; the money has been expended; as Mr. Dodd says, it will be expended next year in the same way, and he gave the House committee the information for which it asked when the hearings were held.

Mr. THOMAS of Oklahoma. I am not criticizing the distinguished Senator from Utah; I compliment him; and if I ask him a question I will know in advance he can not answer it, and, therefore, I will not embarrass him. Last year, however, the Indian Office placed in its request for appropriations an item of \$50,000 for employment agencies; the set-up was explained before the House committee, and came to the Senate. No question was raised, but the office last summer in spending that money did not follow its own set-up. In proof of that, I will refer to the record.

Mr. SMOOT. The Senator will admit, I think, that there is a set-up now covering this whole amount?

Mr. THOMAS of Oklahoma. I will come to that in just a moment.

Mr. SMOOT. As to whether they followed it out in accordance with the appropriation in last year's bill, no evidence came before the Appropriations Committee to that effect; not a word was ever uttered before the committee, either by anyone from the department or any member of the committee or any witness.

Mr. THOMAS of Oklahoma. This item was not attacked before the Senate committee, and I am not making that charge. I realize that this bill is made up by the House of Representatives; it comes to the Senate, and the Senate committee only considers the amendments that may be proposed by members of the committee, other Members of the Senate, Members of the House of Representatives, or some other interested persons, and the committee does not give any consideration to any item that is not attacked or suggested for improvement or amendment.

This item was not suggested in the Senate, and I can not, of course, criticize the distinguished chairman of the committee for not reading the record. Here is a book of 1,236 pages. Naturally, the members of the committee would not have the time to read it all; but I want to read particular portions, in view of the suggestions made by the Senator from Utah.

I quote from page 784, where Mr. Dodd was attempting to explain what their set-up was for the expenditure of this \$70,000. Mr. CRAMTON made this suggestion:

I will tell you what I wish you would do. I wish you would give me a memorandum to-morrow, when we start in here, of the present organization and when each one of those went on the pay roll and how this \$50,000 is spent. You say there will be \$47,000. I do not know how you are going to get \$47,000 spent by the 1st of July.

Mr. SCATTERGOOD. And how much of it belongs to what previously was the set-up?

Mr. DODD. For those who were on at the beginning of July 1, counting the salaries and expenses, \$19,800. Those are the direct placement people. For the transfer of the outing matrons—

So we have a new item here in the Indian Service—the item of "outing matrons"—paid from an employment-agency fund—

For the transfer of outing matrons, whom we expected to bring over under this last year, including their salaries and expenses, \$16,100, making a total for those who have been on the pay roll since the 1st of July—

Mr. CRAMTON. Did we know anything about this outing matron last year?

Mr. DODD. We tried to emphasize it to the committee.

Mr. CRAMTON. I know you talked about having a matron to watch Indians who went to the city to work, but I do not recall

that people that were already on the pay roll were transferred to this item.

Mr. DODD. We tried to emphasize last year the bringing over of Mrs. Royce, Mrs. Hall, and a woman in Phoenix whose name I do not recall at this minute. Then Mr. Shipley, who was employed on the San Carlos Reservation for placing of those Indians in the lettuce and cotton fields in that section of the country. Then we estimate for one-half of the pay of the director and expenses, \$2,900. Two additional placement officers one-half of the year, \$4,700—that is, a half of the salary and half expenses—and two assistant placement officers at one-half salary and expenses, \$4,100, making a total of \$11,700 of the full total of \$47,600 that I mentioned.

Mr. CRAMTON. Here is your statement last year about the appointment of a supervisor of Indian employment.

Here is the set-up now that was given to the committee last year:

Four contact agents, 3 overseers, 4 assistant clerks, that being 12 employees, an expenditure of \$28,740 for personal services. I do not see anything there about matrons.

Says Mr. CRAMTON:

Your estimate as set forth was, director of employment, salary and expenses, \$6,500; five employment agents, salaries and expenses, \$20,000; five assistant employment agents, salaries and expenses, \$15,000; purchase of necessary equipment and miscellaneous expense, \$8,500, a total of \$50,000. There was nothing said about transfer of other people to relieve other appropriations.

Mr. SCATTERGOOD. Do you not think the employment of Mrs. Hall and Mrs. Royce belong in this group?

Mr. CRAMTON. They are not employment agents, I understand. They were already on the pay roll before you brought this item. This was something beyond, and they were welfare workers, not so much for getting these girls a job as they were taking care of them after they got their jobs. They have been on the job a long time. It is not something new that nobody ever thought of before.

Mr. SCATTERGOOD. Certainly in the set-up that was presented to the committee they were not in. The \$50,000 allotment would not have taken care of them.

Then, further down, Mr. Dodd says:

During 1930 there were 2,200 Indians placed in various kinds of employment.

A little later on that will be contradicted.

A great deal of it was seasonal employment in beet fields, lettuce fields, and cotton fields, but there have been numerous permanent positions obtained principally in industrial concerns. Indian women have been placed as nurses and domestics, and other Indians have been placed in clerical positions.

On page 786 Mr. Scattergood makes a statement, as follows:

We have not gotten many figures of actual jobs yet.

Mr. Dodd says they placed 2,200 in position, while Mr. Scattergood, the assistant commissioner, says:

We have not got many figures of actual jobs yet, but he is establishing connections which we believe a year hence will show, unless industrial conditions do not recover, good results.

On the following day, at the request of Mr. CRAMTON, Mr. Dodd prepared the new set-up, and I particularly desire to refer the Senate to page 787:

Mr. CRAMTON. Our attention was not directed in the paragraphs you have now quoted, or at any other time, to the transfer of the matrons. I would be interested to know where there was any reductions made in the paragraph under which those appropriations were carried.

Mr. DODD. In the industrial work and care of timber item there was a reduction of \$10,000.

Mr. CRAMTON. That was understood at the time; instead of that \$10,000 we were setting up this separate \$50,000 item. But what I am emphasizing is this; and the Indian Bureau will have to learn that a statement of that kind should bind them.

Evidently Mr. CRAMTON did not think that the set-up given the year before bound the Indian Office; he became impatient, and he served notice on the dictator in the department that at least in the future he would expect that the set-up which they proposed to the committees would be binding upon the Indian office. Mr. CRAMTON says further:

A definite set-up was presented of how that \$50,000 would be spent, and nothing was included there for these matrons. If that was your oversight, very well; but it was not included. Now, with the appointments that were provided for in that set-up not made, why, the matrons are brought over and absorb the balance.

Mr. DODD. The outing matrons who are at Sherman Institute, at Salem—

Not employment agencies but "outing matrons"—
and at one or two other boarding schools—

Not industrial centers, not on Indian reservations, not even close to Indian reservations, but outing matrons in Indian boarding schools, paid for by an appropriation intended to be used to find Indians seeking employment positions to enable them to earn their bread.

The outing matrons who are at Sherman Institute at Salem and at one or two other boarding schools, dealing specifically with the outing proposition of the students at the schools, are still on duty at the schools and are paid from the school appropriations. These three outing centers, at Phoenix, Berkeley, and Los Angeles, are the only ones that were brought over to this appropriation.

Mr. CRAMTON. It is simply the principle of the thing. If you had, in that set-up of \$50,000, carried an item for four outing matrons, then we would have looked over to the item where there was previously an appropriation for those matrons and checked to see whether the proper reduction was made. But our attention was not called to the four matrons, and it is not to be expected that here we are to know about it and remind you of it.

Mr. DODD. I quite agree with you.

Mr. CRAMTON. Hence, those outing matrons were not called to our attention. Personally, I think they should be taken out of the ordinary appropriation from which they have been paid heretofore.

Mr. DODD. We are giving the matter study. I tried to get the information you requested in time—

And here is Mr. CRAMTON's conclusion:

Mr. CRAMTON. In other words, there is no sense of an appropriations committee sitting here, studying things, looking over your set-ups, and then approving an appropriation on the basis of that set-up; and then, because the appropriation in its terms is general, permit the department to spend the money any way they want to. They are bound morally by this set-up. When this committee finds that those set-ups are not followed, if the committee is going to amount to anything, they have got to object to it. Of course, if we are to be a rubber stamp, then it does not matter.

I make the charge now that the Congress of the United States, so far as the Indian financial policy is concerned, is the rubber stamp of one clerk in the Interior Department. The Senate does not know, the House does not know, how the money is expended, and the Indian Office pays no attention to its own set-up. At a later date I shall move to strike these lines from the bill. Congress is told, however, "If you will increase the \$50,000 item to \$70,000, we will consider stationing a placement official at Kansas City," 200 miles from half of the Indians of the United States and 200 miles from the place where the original idea was conceived. I can not conceive that the Senate will agree that that sort of maneuvering is fair to the Congress.

Later on in the afternoon I shall have some more to say about similar items.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

DROUGHT RELIEF

Mr. CARAWAY. Mr. President, I shall detain the Senate but a minute.

The other day before the Committee on Appropriations Mr. John Barton Payne did a very grave injustice to a large number of suffering men, women, and children. I said the next day, when the substance of his testimony was shown me, that he had spoken without information. To-day Mr. Payne has asked the President of the United States to issue a call for \$10,000,000 to aid in caring for the distressed condition, the existence of which he denied in his testimony a week ago.

Mr. President, I am very grateful, indeed, for what he shall do. I take it as a matter of course that the President will issue the call, although in doing it he will have to confess that in opposing legislation to keep people from starving he was grievously at fault.

A great deal of unnecessary human misery has occurred, and will occur, by reason of this belated request. He can not wipe out the tears of children crying for bread, nor can he take out of the hearts of mothers the bitterness because their cry has not been answered. I feel fully assured that in this delay the graves of a great many innocent people were dug; but it is better to have these steps taken now than not to have them taken at all.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. WHEELER. I notice that the statement was made the other day, either by the junior Senator from Arkansas or by his colleague [Mr. ROBINSON], that the Red Cross had stated that they had no funds to help out down there in Arkansas.

Mr. CARAWAY. That was the report of the field agents down there.

Mr. WHEELER. Information has come to me in the last day or so, from a reliable source, that the Red Cross, as a matter of fact, had \$40,000,000 on hand as a surplus. The reason why I call the attention of the Senator to that matter is because of the fact that I was shocked when they stated that they had no funds; and if they have \$40,000,000 I do not know why they should be appealing for \$10,000,000 more.

Mr. CARAWAY. I do not know anything about the organization of the Red Cross.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. CARAWAY. I yield.

Mr. SMOOT. I want to say to the Senator from Montana that the Red Cross has \$4,700,000 on hand, as testified by Mr. Payne at the committee meeting here about a week ago.

Mr. JONES rose.

Mr. CARAWAY. I think the Senator from Utah is in error. Does the Senator from Washington wish to ask me a question?

Mr. JONES. I was going to make substantially the same statement that the Senator from Utah has made. I very distinctly remember Mr. Payne saying that they had, my recollection is, \$4,500,000, and that when their fund got down to about a million and a half, of course they would make another call on the people, and he had no doubt about the fund being replenished.

Mr. CARAWAY. My information, however, without knowing anything about it personally, is that the Red Cross had a very much larger sum, but it had allocated—the Senator from Washington shakes his head. Does he know that he is correct?

Mr. JONES. Mr. Payne said nothing about that in his statement.

Mr. CARAWAY. I know he did not; I read his testimony; but my information is—and I have the source of that information lying here on the desk before me—that they had a very much larger sum, but that they allocated for what they call distress service, or disaster relief, a certain proportion of their entire assets, and that they had allocated \$4,500,000 for this purpose. Is that the information that the Senator has?

Mr. WHEELER. Yes; that is the information that I have.

Mr. CARAWAY. That is the information that comes to me. I am not saying myself whether it is true or false because I do not know.

Mr. SMOOT. They may have had at the beginning of last year, or whenever the year closed, on their first request for funds, a great deal larger amount than I have stated.

Mr. CARAWAY. I am not asserting the fact. I have information here to the effect that they had, last July, \$44,000,000, and that they have now in the neighborhood of \$38,000,000, but that so much has been allocated for disaster relief. I profess to have no information about that, and I am not making that as a charge at all. Of course, it would be inexcusable to do so. I have said all that I wanted to say on that subject.

The papers far removed from the seat of the disaster have been filled with hostile editorials and news items denying that suffering and starvation threatened a very large number of people in the drought-stricken area. I take it for granted they will follow Mr. Payne now just as readily as they followed him when he said there was no need of additional assistance. He said that a week ago, without information; and the very day he was testifying before the Committee on Appropriations that ample funds existed and ample relief was being extended his agents in my own State

gave out an interview that the situation was unthinkable. Mr. Myers, who is one of his disaster men, said that he had served in Russia after the collapse and in China, and that he saw no such conditions in either of those countries; and he went on record as saying that they were undertaking to preserve life with a dollar a month per head! That figures out a cent a meal. It is perfectly shocking, Mr. President, that anybody with any sense of humanity in his soul or any love for his kind would think about trying to compel people to live on a cent a meal. It is unthinkable to me.

I have been a Member of one branch or the other of the Congress for 18 years. I voted for relief for people in many sections of this country, and I thank my God that I have not a single vote recorded in either House against an effort to alleviate suffering; it makes no difference where it occurred. I voted for relief for the Russians. I voted for it for China. I voted for it for the peoples of Europe. I voted for it for Salem, Mass., when they had a fire. I voted for it for New England when they had a flood. I never have recorded a single vote of mine against this great Government of ours extending aid to human suffering; it makes no difference where it occurred, nor when it occurred, nor what the occasion of the disaster was.

If that be a dishonorable record, I am glad to have it; and if that be a dole, why, God bless this Nation, it sometimes has recognized that it owes something to human beings. I regret that until pellagra has almost become an epidemic and until typhoid fever is already beginning to stalk in the homes of the humble and the suffering this relief was delayed.

PRELIMINARY EXAMINATION OF FOX RIVER, WIS., FOR THE PURPOSE OF FLOOD CONTROL

Mr. BLAINE. I ask unanimous consent for the immediate consideration of House bill 11201, Order of Business 1297, a local bill affecting the upper Fox River in the State of Wisconsin, about which there is no controversy.

Mr. SMOOT. Let it be read.

The PRESIDING OFFICER. The clerk will read the bill for the information of the Senate.

The Chief Clerk read the bill (H. R. 11201) to authorize a preliminary examination of the Fox River, Wis., for the purpose of flood control.

Mr. SMOOT. Mr. President, is the report from the committee a unanimous one?

Mr. BLAINE. I understand that the report from the committee is a unanimous one and that the bill is approved by the War Department.

Mr. SMOOT. If it is not going to take any time, I shall not object to its consideration.

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

ADDRESS BY SENATOR WAGNER ON UNEMPLOYMENT

Mr. BULKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD a very able address delivered at a recent unemployment conference in Cleveland, Ohio, by the junior Senator from New York [Mr. WAGNER].

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ROBERT F. WAGNER, OF NEW YORK, AT AN UNEMPLOYMENT CONFERENCE HELD UNDER THE AUSPICES OF THE AMERICAN ASSOCIATION FOR LABOR LEGISLATION, IN COOPERATION WITH 10 OTHER SOCIAL SCIENCE ORGANIZATIONS, AT GUILD HALL, CLEVELAND ON DECEMBER 30, 1930

Mr. Chairman, ladies, and gentlemen, I am grateful for the compliment you pay me when you invite me, a layman, to address the distinguished economists and social scientists who are assembled here to-night.

The events of the past year have again focused the unwilling attention of the American people upon the interplay of visible and invisible economic forces which results in unemployment. That is a subject which I should like briefly to consider with you. I shall not, however, so far presume upon your hospitality as to attempt to discuss the economics of business depression. In that field you are the masters and I the student. What I know I have learned from your teaching. There are, nevertheless, areas within the broad confines of this subject where I feel at liberty to enter without trespassing. For unemployment is not only an abstruse theoretical problem in economics, which the old school-books used to define as the science of wealth, it is likewise a con-

dition which affects the men and women who labor to create wealth. It is with this human side of the problem that I am particularly concerned. Does the prevalence and recurrence of unemployment subject us to an obligation toward these men and women? What, in other words, is the ethical basis for our efforts to change this state of affairs? Is it perhaps true and right, as we have been recently admonished, that we should leave it to self-reliance and individualism to work out the salvation of the wage earners who are out of work? Or, if these workers do have a claim upon our exertions to prevent unemployment and to mitigate the rigor of its sinister consequences, does it rest upon no broader foundation than the spirit of kindness and philanthropy?

Neither of these alternatives is very satisfying. The joblessness of these wage earners is not the merited penalty of their own misdoing. Their plight is not a consequence that they could have prevented. It is the resultant effect of forces beyond their control—forces which the entire industrial and business community has set into motion. Fundamentally it seems to me the justification of our endeavors rests upon the oft-repeated, frequently misunderstood principle of the right to work, which in modern industrial society is synonymous with the inalienable right to live. That right to work has never been surrendered and can not be forfeited. Society was organized to enlarge the scope of the right and to increase the fruits of its exercise. It was never intended, and it must not be, that organized government should become the means of its denial.

We may preach self-reliance, we may glorify individualism. We do not, however, by extolling these splendid virtues satisfy the valid claim of each and every willing worker to an opportunity to work and live. No amount of self-reliance will make jobs available for the millions now idle. No degree of individualism will feed their wives and children.

Now, then, what are the obligations that the recognition of this principle imposes upon industry and government?

If the wage earner is to be protected in his right to work, of necessity it follows that industry must be subjected to a duty; the duty of maintaining the continuity of wages. The existence of this duty has been asserted and repeated times without number, but it is still frequently received as if it were startlingly revolutionary. I have often wondered that it should seem so strange. It does not strike business as strange that it continues to pay interest though its capital lie idle. Rent is collected though the plant is vacant. In the absence of profits dividends are paid out of surplus without so much as an intimation that anything unusual is occurring. Why should a different policy govern the payment of wages? Why does industry at present feel at perfect liberty to turn its workers loose at the first sign of slack? Why does it not regard the pay roll as a fixed charge on its business? Apparently it expects that a bountiful Providence will feed, clothe, and house its workers and keep them fit until it is ready to re-employ them. It would never occur to a manufacturer to set his machinery out on the street during depression in the hope that the Red Cross would maintain it for him until the recovery of business. But without hesitation, without embarrassment, and I suspect frequently without appreciation of the full meaning of his act, he turns out of doors his entire labor force. He may not now realize it, but he is participating in a system whereby he is in fact unshouldering a burden that his business should carry and saddling it upon the generous citizens of his community.

Some would call this chaos the American method of dealing with the fundamental problem of business, society, and government. Never in my judgment has the word American been more outrageously abused. The present confusion with its lay-offs and its bread lines and its charitable appeals all proceeds on the wrong assumption that we owe these men and women nothing; that what we give them is a matter of kindness; that what they receive they obtain by sufferance and not by right. I prophesy that when we shall have learned to manage our economic affairs in a more sensible way we shall look back at the present disorder with amazement that a generation which called itself civilized could be guilty of sustaining it. Of course, I recognize that multitudes of individual employers, having the best of intentions, feel as helpless as their employees to change this condition by their solitary act. All the more reason, I believe, why we should applaud the few courageous souls who have mustered the will and contrived the means of bringing steadiness of employment to their workers. Their names constitute a roll of honor upon which every employer may well aspire to be inscribed. I stated at the opening of my remarks that I would not discuss the economics of this question and I do not intend to depart from that resolution. But I can not help reflecting upon them who would lead us to believe that there is some "law" of economics in obedience to which we must suffer these periodic depressions. With me it is an article of faith that no law, economic or otherwise, ever validly ordained that millions of people willing to work shall be condemned to want and privation in the midst of national plenty. We shall yet find, I am convinced, that if there be such law it was written by our own ignorance and thoughtlessness, and that it can be erased by organization and control.

The ingenuity which succeeded in multiplying the production of the requisites of life and comfort a thousandfold is equal to the new and more subtle task of distributing the benefits of that production to all our people. I have complete confidence in the belief that what we need is not a new economic order but greater precision and better organization in the existing order.

We might perhaps be moved to condone the present arrangements if indeed we could not afford to do better. Such, however,

is not the fact. It is only too obvious that the national economy permits us to deal with this difficulty in a more civilized manner. After all, we do not now knowingly permit people to starve or freeze. We manage to provide the bare necessities for those in distress. The iniquity lies in our method which is physically destructive and morally disruptive of the character of the very people we would help.

And that is not the only charge that can be leveled against the existing insecurity of employment. It has its effect even upon the workers who are employed. From the day the wage earner first has his name put upon a pay roll to the day of his retirement his life is cramped with the ever-present fear that at any time he, too, might, through no fault of his own, be broken upon the rack of enforced idleness. That condition does not promote self-reliance; it is not conducive to the building of character.

I have at other times spoken of the economic benefits that would flow to industry from greater security of employment. It is time to emphasize that industry is under an inescapable moral obligation to provide it.

The Government has an important rôle to play in giving validity and sanctions to the right to work. I believe we are fairly well agreed on the elements that should constitute the program of national action. The enumeration of the unemployed which has, at the instance of Senator COUZENS and myself, been made a permanent part of the decennial census, and my bill for the monthly publication of statistics of employment, which became a law last June, will together form the corner stone of the informational structure which the Government must erect. The bill for advance planning and proper timing of public works has passed both the House and the Senate and is now in conference to adjust the differences between the two bodies.

The bill for the establishment of a nation-wide system of cooperating public employment offices under State auspices has passed the Senate, has been approved by a House committee, and is now awaiting action on the House Calendar. More recently I introduced a bill to encourage the establishment of private unemployment reserves by exempting these reserves and contributions to the reserves from income-tax liability. Immediately upon the reconvening of Congress I am prepared to introduce a bill to have the Federal Government cooperate with the States in establishing systems of unemployment insurance. This program of legislation comprehends the two essential features of any organized effort to cope with unemployment, so far as that problem is within the sphere of Federal action. It would reduce the incidence of unemployment as far as possible by regularization and stabilization and it would compensate for the loss of wages by reason of unemployment out of reserves set aside for the purpose or by insurance. I have no personal doubts that eventually this program will be enacted into law. We are moving in that direction steadily and irresistibly. Whether these bills will become law as speedily as their urgency requires depends in a large measure on the ladies and gentlemen present whom I now have the honor to address.

It is my experience that social legislation does not pass any sooner than the public is educated to demand it. The process of education is largely in your hands. You can convince the public that unemployment requires constant attention, planning, and preparation alike in times of prosperity and depression. You can teach them that it calls for permanent agencies of correction. You can persuade them that the proposals you have devised are safe, sane, and sound. Likewise it is your duty to go forward more rapidly than heretofore with your research to devise and perfect the methods of prevention. For instance, we should like you to tell us much more than you have about technological unemployment. Your predecessor economists were quite ready to berate the English workmen who destroyed the machines that came to take their jobs, but they never told us how to care for the worker whose craft was destroyed by an invention. To this day we do not really know what happens to the displaced worker.

I have called attention in the Senate to the fact that over a period of years we have watched the index of production rise and the index of employment fall. To me that spelt technological unemployment. The same fact emerges from the ratio of common laborers registered to the number of places open as published by the New York State employment offices. In January, 1923, the ratio was 95 applicants to every 100 jobs available. In January, 1924, the number of applicants per 100 vacancies rose to 129. The succeeding January it was 175, then 186, then 362, then 427. In January, 1929, it registered 439. Through good years and bad years alike the pressure of men on jobs continues. What is the extent and measure of that problem? How long does it take these men who are displaced to find themselves in other occupations? What would it cost us to care for these men during the interval of their idleness? What can we do to retrain and rehabilitate them for new and necessary occupations? Is there any way whereby we can charge the cost of these displacements against the benefits derived from the improved technic or new machinery? These questions demand a very early answer. The Government can not afford to experiment rashly. It must resort to those remedies that have been tested in the laboratories of science. In this problem of human engineering you are the experts. It is your prerogative to prescribe for us the new economics of social control. There are men in every legislature to-day who look to you to point the way.

Yours is the task to find the solution to the key problem of our generation. Yours is, therefore, the opportunity to bring us closer to our common objective—the day when our people can enjoy a greater measure of security and happiness in their daily lives.

INTERIOR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 14675) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes.

Mr. KING. Mr. President, I desire to ask the Senator from Oklahoma [Mr. THOMAS] before he resumes his seat what proportion of the aggregate appropriation carried by this bill is available for the Indians within his State. My understanding is that there are only about 225,000 Indians now under the jurisdiction of the Government, and that 150,000 or more live within the State of Oklahoma. I am informed that most of the appropriations carried by this and other Indian appropriation measures are expended for Indians other than those in Oklahoma. My understanding is that the more than twenty-four million carried by this bill are available for less than one-half of the Indians, while only from two to three million dollars are to be expended in Oklahoma.

Mr. THOMAS of Oklahoma. That is my understanding, Mr. President.

Mr. KING. I should like to ask the Senator upon what theory the Indian Bureau justifies its conduct in asking for \$24,000,000 plus for this year for 225,000 Indians under its jurisdiction, more than one-half of whom reside in the State of Oklahoma, and to those Indians are given only about two or three million dollars. Does the Senator know how that course is justified?

Mr. THOMAS of Oklahoma. They do not attempt to justify it. They bring in their items and get them through without discussion or investigation.

Mr. SMOOT. Mr. President, I want to say to my colleague that some of the wealthiest people in Oklahoma are Indians; and the Senator knows that we have not an Indian in the State of Utah who has any income at all, unless it is from a few sheep that he grazes in the mountains. They have millionaire Indians down in Oklahoma.

Mr. KING. I understand that a number of Indians in Oklahoma who have oil lands have received very large sums from the sale of their lands, or royalties from year to year for the oil which has been produced, but I am unable to understand why there should be such an apparent discrimination between the Indians of Oklahoma and those in other parts of the United States and why such a large proportion of the appropriations should be expended outside of Oklahoma.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. THOMAS of Oklahoma. The Senator in charge of the bill suggests that we have millionaire Indians in Oklahoma; but this bill does not carry a penny of any Indian.

Mr. SMOOT. No; but they are counted as to the number of Indians in Oklahoma in dividing the appropriations.

Mr. THOMAS of Oklahoma. That is true. They are Indians, nevertheless.

Mr. SMOOT. I simply called that to the attention of my colleague.

Mr. KING. Are they under the jurisdiction of the United States?

Mr. THOMAS of Oklahoma. They are.

Mr. SMOOT. They are to a certain extent; but the Government of the United States does not say how they shall spend their money.

Mr. THOMAS of Oklahoma. The Government spends the money for them.

Mr. SMOOT. Oh, well, it spends the money that is appropriated by the Government, yes; but the Government does not take the money that the Indians get from royalties and spend that for them. They can invest that in any way they want to.

The Government of the United States, whenever a question arises as to an investment, the Indian himself brings that up and decides, if he has the money, how he will spend it. He buys his automobile. He lives a hundred times better than half of the whites in the Nation. Nobody is

objecting to that. The Indian, if he owns oil lands and receives his royalties from them, is entitled to spend his money in any way he desires.

Mr. THOMAS of Oklahoma. Answering the question submitted by the Senator from Utah, I have before me a tabulation of some 10 so-called rich Indians. The money belonging to these Indians comes from oil royalties and gas royalties, restricted money. Not one of these Indians could spend a penny of that money without the approval and consent of the department.

The first one I refer to is Eastman Richards. During the past few years he has received in his account in the office the sum of \$1,766,179.20. Of that sum the Indian Office has approved of his expenditures in the sum of \$1,763,775.13, and of his fund of seventeen hundred thousand dollars he now has the sum of \$1,861 left. Not a penny of that money could have been spent by Eastman Richards if the expenditure had not been approved by the Department of the Interior.

The next Indian is Jeanette Marshall. During the past few years this lady has had an income of \$1,060,000 and over, and of that sum she has been permitted to spend the sum of \$940,000, leaving her a net balance of \$119,000.

Wosey John has had collected for her from her allotment the sum of \$737,000, and she has been permitted to spend in the past few years the sum of \$562,000.

Benjamin Wacoche has had collected for him \$379,000. He has made expenditures, with the approval of the department, in the sum of \$257,000.

Amy Simpson has had collected for her by the department the sum of \$308,000. She has expended, with the approval of the department, the sum of \$272,000.

Minnie Tiger has had collected for her \$236,000. She has been permitted to spend \$215,000.

Exie Fife has had collected for her the sum of \$499,000, and she has been permitted to spend, with the approval of the department, the sum of \$312,000.

Mr. President, let me call attention to how this money has been expended and for what purpose; and, remember, every penny of these gigantic sums has been spent upon vouchers approved by the Department of the Interior, the Indian Office.

Mr. SMOOT. Does the Senator object to that?

Mr. THOMAS of Oklahoma. I am explaining this matter, and I am in a sense criticizing the department.

Mr. SMOOT. I wanted to know just how the Senator felt about it. Does the Senator feel that those moneys ought to be expended by the Indians without any supervision?

Mr. THOMAS of Oklahoma. No, I do not; but I can not justify permission being given to a full-blood Indian to spend seventeen hundred thousand dollars over a period of somethings like 7 or 8 or 9 years.

Mr. SMOOT. Does the Senator know what he spent it for?

Mr. THOMAS of Oklahoma. I will not take the time now to go into that.

Mr. SMOOT. The money went into investments, largely, did it not?

Mr. THOMAS of Oklahoma. No; it was squandered. For example, Eastman Richards was permitted to build a town site with the approval of the Department of the Interior, and in his gigantic operations—the buying of the land, building and operating a town site, including all classes of stores—he became involved in such a way as to become a virtual bankrupt, all under the supervision of the Indian Office.

Mr. President, the 10 accounts heretofore listed—and I did not read all of them—reflect receipts over a 10-year period of \$6,524,750.92; disbursements, with the full approval of the Government, of \$4,706,839.54, or an annual expenditure of \$470,683.95 for the group, \$47,068.39 per family. The balance to the credit of the entire group, which includes Liberty bonds now in the hands of the Government, is \$1,818,113.38.

Mr. KING. Mr. President, I would like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. THOMAS of Oklahoma. I yield.

Mr. KING. I would like to know whether among those 10 was the case of an Indian who, it is claimed, was induced to make a gift of a million dollars, or thereabouts, to some organization, and suits have been brought, and, as I recall, one branch of the case, if not the main case, was recently before the Supreme Court of the United States. My recollection is that one of the Justices during the argument challenged attention to the situation and in effect said that it appeared to him that a case of fraud had been perpetrated against the Indian.

Mr. THOMAS of Oklahoma. Mr. President, that was the Jackson Barnett case, and this does not include that item. There are a number of items which could have been included here.

In further answer to the question suggested by the Senator from Utah, I refer to the expenditures of these Indians' money for automobiles, every penny spent with the approval of the Department of the Interior. Automobiles and their upkeep for six of this group over the 10-year period cost \$294,057.51. Five of the same group required legal services over the 10-year period costing \$177,540.01.

Four spent for living expenses, including rent, farm stock, farm machinery, oil, gas, and repairs to cars, fences and fencing, \$518,311.03.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 60, line 6.

The amendment was agreed to.

The next amendment was, on page 60, line 11, after the word "relief," to strike out the comma and "to be immediately available."

Mr. THOMAS of Oklahoma. Mr. President, I desire to inquire of the chairman of the committee the reason for striking out the words "to be immediately available."

Mr. SMOOT. The reason is that the amount is provided for in the first deficiency appropriation bill. That bill will be here in a little while, and that item will be taken care of.

Mr. THOMAS of Oklahoma. Mr. President, in the House committee a provision was placed in the bill to take care of the old, indigent, and needy Indians, and of the total sum carried in the bill the sum of \$160,000 was made immediately available to take care of these emergency cases. When the bill came to the Senate, for some reason—and the Senator from Utah has just stated the reason—this item was stricken from the bill. I went to the only source of authority from which we can get any information about this bill, and that was to Mr. Dodd, who told me that the reason why this item was stricken from the bill was that it would disarrange their bookkeeping system; that if they carried this item of \$160,000 immediately available, when this bill was passed, they would have to transfer \$160,000 to a special fund and make it available forthwith. That was the only reason he could give me for requesting the committee to strike out this item; and when the request was made the committee struck the item from the bill.

Mr. SMOOT. I propounded a question to Mr. Dodd in the committee, and this is what he said:

While we are talking of this item—

The item to which the Senator refers—

we were planning to suggest the elimination of the words "to be immediately available," at the top of page 59, because if this money is made immediately available we do not have a definite sum upon which we can plan our work for 1932. We hope to take care of the immediate situation with our deficiency appropriation bill, for which the estimate has been submitted.

In other words, the first deficiency appropriation bill will take care of that, and the Budget has already agreed to it.

Mr. THOMAS of Oklahoma. Mr. President, I understand the reason suggested by the Senator from Utah, but here is the situation. There is no deficiency bill before the Senate now, so far as I know.

Mr. SMOOT. No; but the Senator knows there will be one here within the next few days.

Mr. THOMAS of Oklahoma. I hope so.

Mr. SMOOT. The first deficiency appropriation bill. The reason this item was stricken out was that it is provided for in the first deficiency appropriation bill.

Mr. THOMAS of Oklahoma. I will ask the Senator how much is proposed to be carried in the deficiency bill for this particular purpose?

Mr. SMOOT. I have not looked at the final draft of the bill, but I am assured this item will be taken care of in that way.

Mr. THOMAS of Oklahoma. Mr. President, this is the situation: There are 225,000 restricted Indians in the United States. There are some 300,000, embracing the restricted Indians and the nonrestricted Indians. I would like to ask the Senator from Utah at this time to give us the definition of an Indian, for the RECORD. It is material at this point.

Mr. SMOOT. I suppose it means Indians who belong to a tribe, no matter where they may be located—anywhere in the United States—if they live in tribal relations. I do not know that it could be otherwise.

Mr. THOMAS of Oklahoma. That is the decision of the Supreme Court of the United States, but that is not the decision of the Indian Office. The Indian Office holds that if an American citizen has a drop of Indian blood in his veins, and has a restricted dollar, that man is an Indian; but if he is a full blood and has not a restricted dollar, he is not an Indian.

Mr. SMOOT. The test is the restricted dollar, I will say to the Senator.

Mr. THOMAS of Oklahoma. The only money that is proposed to be appropriated in this bill is to take care of the restricted Indians. Not a single penny is proposed in this bill, or in any other bill, so far as I know, to take care of even full-blood Indians who have not a restricted dollar.

In the House there was put into this bill an item of \$160,000 for the relief, the immediate relief, of Indians. The Senator from Utah states that some other bill is coming along at some time in the future carrying a deficiency item to take care of the needy and now starving Indians. I hope it will not meet the fate that has met the \$45,000,000 item. Before the holidays we had an amendment on this floor to a bill carrying \$45,000,000. On some one's objection the item was stricken from the bill. It could have gone through then—there was no objection to it—and have been available; but now, upon objection raised, this matter is tied up indefinitely in the House of Representatives.

Mr. SMOOT. Mr. President, I do not apprehend that there will be anything like that in connection with this bill. There never has been, and I am quite sure there will not be now.

Mr. THOMAS of Oklahoma. I hope not. All this item in this bill does is to make the sum of \$160,000 immediately available. If it is not needed, it will not be spent. If it is needed, it will be spent.

Mr. SMOOT. The \$160,000 is needed, irrespective of what we carry in the deficiency appropriation bill, and the amount that will be carried in the deficiency appropriation bill will be made immediately available. I assure the Senator of one thing—and he is a member of the committee—that if the words are not in that bill making it immediately available I will join with him in having it made immediately available.

Mr. THOMAS of Oklahoma. I make no reference to the Senator from Utah, but I have had assurances before upon which I relied which have not been carried out.

Mr. BRATTON. Mr. President, if this amount is needed for relief purposes, and the House saw fit to put it into the bill, why should we quibble about procedure; that is, state that it will be put into the first deficiency bill? It seems to me that if this amount of money is needed, it has to come out of the Treasury in either event, and why not let us recede on this amendment and let the language be restored to the bill, and then proceed with its consideration? We will accomplish the desired end, and discontinue what will otherwise become a prolonged discussion.

Mr. THOMAS of Oklahoma. In answer to the suggestion made by the Senator from New Mexico, let me say that this

item is \$160,000. I have heard that the deficiency bill proposes to carry \$175,000. The two make slightly more than \$300,000. There are 300,000 Indians in the United States. That would make the payment only at the rate of \$1 per Indian. Of course, they will not all claim the money. If they did, they would not get it; but that is the rate, even if both items go through. I propose to show the Senate, if I may, the need for this money now.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. SMOOT. The first deficiency appropriation bill has passed the House.

Mr. BRATTON. It is here.

Mr. SMOOT. Yes; or will be here to-day. It contains, with reference to this very matter, an item of \$175,000. That is to take care of whatever deficiencies there may be, and it provides \$175,000 for that purpose.

Mr. BRATTON. Yes; but if the amount specified in this bill for relief is needed, why quibble about whether it shall be available now or beginning the 1st of July.

Mr. SMOOT. Because they want the full \$160,000 to come in the next fiscal year.

Mr. BRATTON. They do not have to use it now.

Mr. SMOOT. Then why make it available? They will have \$175,000 as soon as the deficiency bill passes, and it is liable to pass the first of next week. There is no reason why it should not be passed by next Tuesday.

Mr. BRATTON. It seems if we are going to appropriate \$160,000 out of the Treasury for this purpose plus \$175,000 for the same purpose and the Indians need \$300,000 plus, there is no reason why we should argue against making the entire sum available now. The bureau will not have to spend it.

Mr. SMOOT. We do not make sums immediately available unless absolutely necessary. There is no necessity for having the \$160,000 made immediately available. The \$175,000 is the item that will come in the next deficiency appropriation bill.

Mr. BRATTON. The House must have thought so or it would not have made both provisions.

Mr. THOMAS of Oklahoma. Upon what information does the Senator from Utah make the statement that there is no occasion to make the sum available now to take care of relief among the Indians? While the Senator is looking up that matter, let me say that only recently a committee was down among the Indians in Oklahoma. We found point after point where the Indian Bureau had no funds to take care of the needy. We found one point where the doctor had no medicine—why? Because the Congress had limited the appropriation made available for that purpose. We found one place where the only medicine given the Indians consisted of pills and castor oil, and they were out of both. The excuse invariably given is that the niggardly policy of the Congress is responsible. The bureau comes before our committee and makes that statement, "You will not give us the money." I propose to show that there is need for the money and need for it now, not only need for the \$160,000, but need for the \$175,000, and even then it is only a pittance over a dollar per capita.

Mr. SMOOT. They will get it within the next week.

Mr. THOMAS of Oklahoma. Only a few days ago, the 2d day of this month, I sent a telegram to every Indian agency throughout the United States reading as follows:

Please advise me by wire collect if it is necessary for the Government to provide funds for the relief of Indians under your jurisdiction, and if so indicate nature and extent of relief necessary.

I received a reply from the Rosebud Reservation in South Dakota, as follows:

ROSEBUD, S. DAK., January 2, 1931.

ELMER THOMAS,
United States Senator.

Your wire. Second \$10,000 needed to be used in payment for labor performed by indigent Indians and \$2,000 for additional rations for issue to old, incapacitated Indians and relief of distress in broken homes.

WM. O. ROBERTS.

I call attention next to a reply from the Seminole Agency, located at Shawnee, Okla.:

SHAWNEE, OKLA., January 2, 1931.

Senator ELMER THOMAS:

Have approximately \$1,000 for relief of old, sick, and indigent Indians. Have requested Indian Office to allot \$5,000, reimbursable, to be used to pay Indians for agricultural leases due January 1; can not be collected; also recommended per capita payment of \$50 to Sac and Fox under this agency. If Indian Office grants my request will need no additional funds for relief.

SUPERINTENDENT EGGERS.

I call attention next to a telegram from Superintendent Bonnin, of the Cheyenne and Arapahoe Agency, located at El Reno, Okla.:

EL RENO, OKLA., January 2, 1931.

Senator ELMER THOMAS,

Washington, D. C.:

Your telegram to-day. District Superintendent Buntin believes Cheyenne and Arapahoe Indians should have \$35,000 for relief to buy food, clothing, feed, and seeds on reimbursable plans so far as practicable, because many lessees unable to pay January rentals and some have no income. I agree.

BONNIN.

I call attention next to the answer from Browning, Mont., as follows:

Your wire January 2. Twenty thousand dollars additional funds will be necessary care for needs of Indians during balance of fiscal year. Fifteen thousand of this amount is for emergency relief purposes, for giving employment to Indians on Government work of all kinds that can be accomplished under severe winter conditions. Five thousand needed for rations for old and indigent people.

Here is an Indian agent making request for money to help Indians out in Montana, and the Indian Bureau disallows the request, and it is disallowed on account of insufficient funds. That is the reason they give us on every hand. Every time a request is made of the Indian Office for funds they have not any funds, and the Congress is blamed for that condition.

Mr. SMOOT. Congress has taken care of them. Congress has provided now in the deficiency appropriation bill \$175,000, which will become a law within the next week. That is provided for in the deficiency bill which has just come to the Senate from the House. I have never seen, since I have been a member of the Appropriations Committee, a case where there was a deficiency appropriation asked for and granted by Congress and then the regular appropriation, becoming available on the 1st day of July of the current year and extending a year beyond, made immediately available as well. There is no necessity for it. The deficiency appropriation bill will more than likely be reported out within a day or two from the Senate Committee on Appropriations. It carries \$175,000 for the Indians.

Mr. THOMAS of Oklahoma. I was just stating that the superintendent at Browning, Mont., requested the Indian Office to allot him the sum of \$5,000. Let me read it again:

BROWNING, MONT., January 2, 1931.

Hon. ELMER THOMAS,

Senate Committee on Indian Affairs:

Your wire January 2. Twenty thousand dollars additional funds will be necessary care for needs of Indians during balance of fiscal year. Fifteen thousand of this amount is for emergency relief purposes, for giving employment to Indians on Government work of all kinds that can be accomplished under severe winter conditions. Five thousand needed for rations for old and indigent people. Last amount previously requested in supplemental estimate and disallowed on account of insufficient funds. Justification for relief funds submitted Indian Office my letters September 11 and October 7, Supervisor Campbell's letter October 3. Requested in these communications \$25,000, in addition to five thousand for rations for old people. We were allotted \$10,000 of this amount October 3, leaving deficiency of fifteen thousand in this item and five thousand deficiency for purchase of rations, making total of \$20,000 additional fund needed at this date.

STONE.

Mr. SMOOT. That is correct, and that is included in the \$175,000 which is in the deficiency appropriation bill at this time.

Mr. THOMAS of Oklahoma. From the Pawnee Agency, at Pawnee, Okla., I received this reply:

PAWNEE, OKLA., January 4, 1931.

Hon. ELMER THOMAS,

United States Senate, Washington, D. C.:

Your wire 2d. One thousand dollars needed food for old and incapacitated during January and February; \$3,000 needed immediately for labor, able-bodied, on hospital grounds, premises, and roads at Otoe, Kaw, and Ponca subagencies. Question whether white lessees will be able to pay rental due March 1; if not, Indians will be in deplorable condition.

SNYDER, Superintendent.

I received also the following telegram from Yuma, Ariz. Conditions must be good among the Indians at Yuma, because I have this reply:

YUMA, ARIZ., January 2, 1931.

ELMER THOMAS,

Washington, D. C.:

Your wire 2d. Not necessary for Government to provide funds for relief of Yuma Indians.

JOLLEY.

From Devils Lake, N. Dak., I have a similar message, as follows:

DEVILS LAKE, N. DAK., January 3, 1931.

ELMER THOMAS,

Washington, D. C.:

Your wire 2d. Do not anticipate need for relief funds additional to regular provisions.

GRAY, Superintendent.

I call attention next to the message from the agency at Miami, Okla.:

MIAMI, OKLA., January 3, 1931.

Hon. ELMER THOMAS,

United States Senate, Washington, D. C.:

Your wire to-day. Department allotted me \$500 for relief of indigent Indians. Have not yet found many cases of serious destitution among restricted Indians. There will probably be more cases among unrestricted Indians, but these are county cases, Government funds not being applicable. From past experience amount allotted should be sufficient.

H. A. ANDREWS.

Here is a telegram from an Indian agent that he has under his jurisdiction full-blood Indians who can not speak the English language, who at one time had lands and had patents issued to them, who have sold their lands under the authority of the Interior Department. They are not now restricted, but they are county charges. Not a penny of the money that has heretofore been made available or supposed to be carried in this bill is available to those Indians.

Mr. SMOOT. Nor would it be if we provided the money, as the Senator now wants it, and made it immediately available.

Mr. THOMAS of Oklahoma. I have a telegram from the Muskogee Agency, the Five Civilized Tribes.

MUSKOGEE, OKLA., January 3, 1931.

Hon. ELMER THOMAS,

United States Senate:

Answering telegram probably 500 families restricted Indians will need aid from Government for groceries, medical attention, clothing until May 1. Red Cross can possibly estimate unrestricted Indians needing aid.

McMILLAN.

There is another concrete illustration that Indian citizens of this country, full-blooded Indians who can not speak the English language, whose affairs have been managed by the Indian Bureau, who are now unrestricted, have no land and have no money and must go to the county or to the Red Cross or else starve.

Mr. SMOOT. Just as white people do. There is no difference at all and this bill has nothing to do with that situation.

Mr. THOMAS of Oklahoma. I call attention to a report submitted by the supervising Indian agent, Samuel H. Thompson. He made a complete survey of our State, part of it in bird's-eye and part in detail. He spent some time among the Chickasaws and Choctaws, and here is his report as to conditions among something like 40,000 Indians in Oklahoma:

The home conditions among the Chickasaws and Choctaws are in many instances distressing. Poverty stalks in many places and several families will have to be helped through the winter if they do not suffer actually for food. In the Pawnee jurisdiction this is not so obvious except among the Poncas, who are very poor indeed.

Mr. President, the distinguished Senator from Utah tells us that the Government can not appropriate money to take

care of full-blood Indians or quarter-blood Indians or half-blood Indians unless they are restricted. The Supreme Court does not so hold; the public conscience of America, in my judgment, does not so hold; but the Indian Office does, and because the Indian Office adheres to that holding the Appropriations Committee follows it, and the Congress, as Mr. CRAMTON says, the rubber stamp of the department, follows that decision. I wish to call attention to one of the recent decisions of the Supreme Court of the United States, a decision handed down in 1922 and found in Two hundred and sixty-first United States Reports. The portion which I quote is found on page 232. I read:

The contention that the United States was without authority to maintain the suit in the capacity of guardian for these Indians is without merit. In *United States v. Kagama* (118 U. S. 375, 383, 384) the general doctrine was laid down by this court that the Indian tribes are wards of the Nation—

Not one Indian tribe, but the Indian tribes are wards of the Nation—

communities dependent on the United States. "From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises the duty of protection, and with it the power."

The Supreme Court makes no distinction between the Indians, whether or not they have money. The Supreme Court holds that the Indians in the United States are wards of the Government; not that the rich Indians are wards of the Government, not the well-to-do Indians, not the Indians who have a dollar, but even the Indians who have no land and no dollars are likewise the wards of the United States of America.

Mr. SMOOT. Mr. President, the Senator will admit, will he not, that some of the richest Indians in the United States are restricted Indians?

Mr. THOMAS of Oklahoma. Certainly.

Mr. SMOOT. The Indians the Senator is speaking of now are nonrestricted Indians, and they are not under the jurisdiction of the Government of the United States.

Mr. THOMAS of Oklahoma. They should be.

Mr. SMOOT. That is a matter of policy, and the Senator knows that we can not determine a policy on an appropriation bill.

Mr. THOMAS of Oklahoma. That is a policy which I am going to seek to change, so far as I can.

Mr. SMOOT. I think an appropriation bill is not the place where it should be changed or could be changed.

Mr. THOMAS of Oklahoma. I object to the Appropriations Committee reporting out provisions seeking to establish that policy, and that is where the policy has been established.

Mr. SMOOT. The policy has not been established by the Appropriations Committee.

Mr. THOMAS of Oklahoma. It has been in past years. In appropriating money to take care of restricted Indians we take care of the Indians who have land; we take care of Indians who have money; and the richer the Indians are the more money we appropriate to take care of them. I condemn that policy.

Mr. SMOOT. There is no differentiation between restricted rich Indians and restricted poor Indians or nonrestricted rich Indians and nonrestricted poor Indians.

Mr. THOMAS of Oklahoma. Without exception at the Indian agencies which we visited we found the testimony to be uniform that the agency spends 90 per cent of its time in taking care of the property and funds of the rich Indians, while the great mass of indigent and impoverished Indians have no attention.

Mr. SMOOT. If their property is being cared for, then they are restricted Indians.

Mr. THOMAS of Oklahoma. They are restricted Indians.

Mr. SMOOT. Yes.

Mr. THOMAS of Oklahoma. I am not complaining about taking care of the property of restricted Indians. I am complaining of the policy of setting poor Indians adrift to starve and wander and to die.

Mr. SMOOT. Not the restricted Indians.

Mr. THOMAS of Oklahoma. Well, the unrestricted Indians.

Mr. SMOOT. The Supreme Court decision to which the Senator referred a few moments ago has nothing to do with the unrestricted Indians, but has to do with the restricted Indians.

Mr. THOMAS of Oklahoma. The decision makes no distinction between restricted Indians and nonrestricted Indians. I will quote further, beginning with the next line of the decision.

This duty of protection—

So says the Supreme Court of the United States—

This duty of protection and power extends to individual Indians—

Not restricted Indians, not the Indians who have a dollar; but to Indians even though they may have become citizens of the United States. A number of citations are given in this decision. From the same decision I will read another paragraph:

After pointing out the fact that it was the policy of the Government to protect all Indians—

Not restricted Indians, not rich Indians, not Indians who have a dollar; but all Indians, and I contend the Supreme Court meant that whether or not the Indian had a dollar was of no consequence; whether or not he was 70 years of age or 1 year of age was of no consequence, if he be an Indian he would come under the term "all Indians"—

After pointing out the fact that it was the policy of the Government to protect all Indians in their property and to teach and persuade them to abandon their nomadic habits the court said:

"The civil and political status of the Indians does not condition the power of the Government to protect their property or to instruct them. Their admission to citizenship does not deprive the United States of its power nor relieve it of its duty."

Mr. President, I submit that this item should not be stricken from this bill. The bill should carry this item of \$160,000 and the money should be made immediately available. If it is not needed it will not be used. It will deprive the Indian Office, however, of the opportunity of telling the Indian agencies throughout the United States, and they in turn telling the thousands of Indians under them, that the Congress, in its niggardly policy, did not and even would not appropriate this money.

Mr. KING. Mr. President, will the Senator yield?

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. To whom does the Senator from Oklahoma yield?

Mr. SMOOT. I thought the Senator from Oklahoma had concluded.

Mr. THOMAS of Oklahoma. I yield to the junior Senator from Utah.

Mr. KING. Mr. President, I rise for information. I should like to know whether it is the view of the Senator from Oklahoma, and whether he thinks that is the law, that when Indians have lands allotted to them and finally have assumed the position in the community of citizens, participating in elections and having all the rights of American citizens, possessing their own property and conducting their own affairs in their own way, they are then restricted Indians and the obligation rests upon the Government to care for them? In other words, is there not some period in the life of an Indian or a tribe when he or it becomes emancipated from the control of the Government and assumes the same status in the community as other citizens of the United States assume?

Mr. THOMAS of Oklahoma. Without intending to be personal, I will answer that question in this way: Suppose an American citizen had a son who was not, perhaps, as brilliant as he might be, and suppose the father should see fit at some period of his life to give him a portion of his patrimony, and thereafter the son in the investment of the money should lose it, would the parent cease from that time henceforth to have any supervision or care or interest in that son?

Mr. KING. Mr. President, if the Senator asks that question of me, of course the parent would have an interest in

his son, and would be rather inhuman if he did not; but the point is this—and I was merely asking the question for information—whether the Senator contended that the Indians in the case to which I referred a moment ago, or their children, if they married with whites, occupied the position or status of restricted Indians, so that the Government owed them an obligation any more than it owed an obligation to other citizens of the United States to care for them in distress and in poverty, and so on?

Mr. THOMAS of Oklahoma. At a later time I shall take opportunity to discuss that proposition.

Mr. KING. I was merely asking the question for information.

Mr. THOMAS of Oklahoma. I submit that the amendment should be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

Mr. SMOOT. Mr. President, I should like to make a brief statement. If this amendment shall be agreed to it will mean that not only will the \$160,000 provided for the coming fiscal year but also \$175,000 in a deficiency bill will be made immediately available, thus providing \$335,000 to take care of the Indians immediately from the 1st day of July of this year until the 30th day of June of next year; the entire appropriation will be made immediately available. No such thing as that has ever been done by the Senate, and I ask that the proposal may be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was rejected.

Mr. KING. Mr. President, the senior Senator from Utah is not in the Chamber; at least I do not think he was when I propounded an inquiry respecting the item of \$1,292,000 carried in line 7, on page 60. I asked in regard to that whether that general appropriation could be separated as between the amount to be devoted to the support of the Indians and that to be utilized in paying employees of the Government. May I say to my colleague, if he will indulge me a moment, that I find in many places rather large appropriations for the administration of the property of the Indians, and I find a large number of employees provided for and their compensation provided for in various paragraphs of the bill. What I am trying to get at is, will any part of this \$1,292,000 be utilized for the same purposes; that is, for caring for the Indians, for the support of the Indians, or for the administration of their property for which provisions are made in preceding or succeeding paragraphs in the bill?

Mr. SMOOT. No; we can not say just exactly what will be used for the support of the Indians and the administration of the Indian property and what will be used for the pay of employees. This is a salary item, and I do not see how it could be changed. I do not see how the objects of appropriation could be segregated in any way. The figures are arrived at because of the salary increases which, in accordance with law, have been made all through the bill.

Mr. KING. Mr. President, I was not challenging that. To illustrate a little more fully, if I may, the point that I have in mind, I notice in the provisions dealing with the Klamath Indians \$136,000 are appropriated, largely, I fancy, for salaries, and, in part, for improvements, and so forth. Under the same heading is a provision for the extermination of beetles upon the Klamath Reservation and for the extinguishment of fires upon that reservation. I find here \$1,292,000 for the support of the Indians and general administration of Indian property. There may be a duplication. It occurs to me that there have been duplications; for one may find in specific paragraphs appropriations presumed to care for definite objects and then find a general appropriation from which could be taken large sums for the accomplishment of the same ends for which the specific appropriations are made.

Mr. SMOOT. When the President submits the Budget every detail is found in the estimate. When the House holds hearings upon the suggested appropriations those estimates are submitted to the committee, and it is shown in detail what the items are for. The provisions are the same as

those in previous appropriation bills; there has been no difference during the 28 years I have been here.

Mr. KING. In respect to appropriations for the Klamaths in one year my recollection is that forty-five or fifty-eight thousand dollars were asked for salaries, but upon looking at the report it is disclosed that \$86,000 or \$89,000 were paid for salaries. Obviously, they took from some general appropriation sufficient money to make up the excess paid for salaries over that which they had asked for in the specific appropriations.

Mr. SMOOT. If the Senator had looked at the deficiency appropriation bill, if such a thing occurred, he would have found in the deficiency appropriation bill the amount to cover the difference that he speaks of. It could not be otherwise. The money could not be expended for any other purpose.

Mr. KING. It ought not to be; but I think if the Senator will meticulously examine the reports, the accounts of the Indian Bureau, the way they handle their accounts, he will be utterly unable to form an opinion as to the sources from which appropriations have come and the manner in which appropriations from general funds and specific funds have been used. He will find duplications and a maze of uncertainties that permit evasion by the department and its employees, and that prevents Congress from putting its finger upon the evils and abuses that arise from these duplications, and this practice of drawing from general funds for specific purposes, and from specific funds for general purposes.

Mr. SMOOT. I will tell the Senator how it can be done, if he desires to look it up. The first thing that we know of is the Budget estimate. It is a large book, of course.

Mr. KING. I have examined it hundreds of times.

Mr. SMOOT. The Senator has gone through it a good many times. That is the basis of our appropriations. As soon as the Budget is taken up, the House Appropriations begins with the appropriations for all the departments as the bills come in here, as the Senator knows.

Mr. KING. I am familiar with that procedure.

Mr. SMOOT. The House holds hearings upon every item found in the Budget bill, and then the departments have a right to come before the House Appropriations Committee and ask for an increase if they think it necessary. They have to prove to the Committee on Appropriations of the House that that increase is absolutely necessary.

When the bill comes to the Senate, those increases are passed upon here. If the Senator wants to find out whether there is a duplication of any item of an appropriation, let him take the Budget and find the items there, and he will find every single item mentioned—so many employees at such and such salaries per year, and all of the amounts covering the items specifically named—and that will be the case in the items just referred to by my colleague.

That is in the Budget. Did the House make any change from the Budget estimates? It is very seldom that the House ever does it. In fact, when the bill comes to us we can not increase the Budget estimate; or, if we do, any Senator upon the floor of the Senate has a perfect right to make a point of order against it, if the House has not acted beforehand. Therefore there is a way, if the Senator wants to take the time, to check every item in every appropriation bill, and find out whether it is above the estimated amount of the Budget; and, if so, he can examine the House hearings and ascertain why that was done.

Mr. KING. I find in the bill, for instance, an appropriation made for a particular forest of \$25,000 or \$50,000 for the extinguishment of fires. Then, further on, I find a general appropriation of \$250,000 for caring for property and for the extinguishment of fires. It is impossible to determine what use finally is made of the latter appropriation or of the former appropriation, because they are not infrequently thrown into the same category, and diversions are made therefrom when and as may be determined by those controlling the Indian Bureau.

Mr. SMOOT. Take the \$25,000 appropriation for forest fires: That often happens, because fires in the forests sometimes are greater than the appropriation was made for in

the first instance. In fact, we have many items like that coming here. One year they do not expend all the money because there have not been as many fires in the forests as there have been in other years. Next year there may be twice as much; and hardly a year has passed for I do not know how long but that we have had to have a deficiency appropriation for fires in forest reserves.

Mr. KING. I am familiar with that. The point I am trying to make is that the method which has been employed in securing specific appropriations for specific purposes, and general appropriations which duplicate the same and from both of which drafts will be made for specific and general purposes is indefensible and that the indiscriminate use of such appropriations leads to duplication and waste and extravagance. This course in practice prevents Congress from checking the Indian Bureau and prevents the Indians from knowing what they are charged with. The system employed by the bureau is one of mystery and permits evasions and injustice.

Mr. SMOOT. I am sure I have just as much interest as my colleague in keeping down these appropriation bills. I have spoken against large appropriations, though not quite as much as he; but I am in full accord with keeping down the appropriations to the very limit, and I think the appropriation bills themselves are pretty clean, taking them as a whole.

EXECUTIVE MESSAGE

An executive message from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

FEDERAL POWER COMMISSION

Mr. WHEELER. Mr. President, I understand that the President of the United States has sent a message to the Senate, and I am going to ask the Presiding Officer to lay that message before the Senate.

The PRESIDENT pro tempore. That can not be done until the Senate goes into executive session. The message deals with executive business.

Mr. WHEELER. Without objection, can it not be done as in executive session?

Mr. SMOOT. Let us go on with the bill a little while, and then we will take up the message. I have no objection to having it handed down but—

Mr. WHEELER. How long does the Senator expect to go ahead with this bill to-night?

Mr. SMOOT. I do not know what the plan may be as to the rest of the amendments. The Senator from Oklahoma [Mr. THOMAS] may want to speak, but most of the remaining amendments are for increases of salaries provided for. Were all those salary amendments agreed to en bloc to-day while I was away?

Mr. KING. No; that was not done.

Mr. SMOOT. Then I will call attention to them just as they come and say that they are salary increases. Most of the balance of those in the bill are for that purpose.

Mr. THOMAS of Oklahoma. Mr. President, may I answer the question submitted by the Senator from Montana?

The PRESIDENT pro tempore. The Senator from Montana has the floor. Does he yield to the Senator from Oklahoma?

Mr. WHEELER. I yield to the Senator.

Mr. THOMAS of Oklahoma. The Senator in charge of the bill indicated that I might want to speak. I do not want to speak.

Mr. SMOOT. What I meant was that as I understood the Senator, he stated that he would discuss later to-day a matter connected with the bill. I did not mean that the Senator wanted to talk simply to kill time.

Mr. THOMAS of Oklahoma. The policy of the Indian Bureau, and the policy of the committee, force me to speak.

Mr. SMOOT. I have no objection to that.

Mr. THOMAS of Oklahoma. I will say to the Senator in charge of the bill, and to the Senator from Montana, that I have some amendments that I must offer, and if they be not accepted I must explain them; and that is going to take some time—not unnecessarily, however.

Mr. SMOOT. I have not the least objection to that. In fact, the Senator himself told me that he had half a dozen amendments to offer, and I do not know what they are. I know, also, that the junior Senator from Arizona [Mr. HAYDEN] has four or five amendments, I think—I do not know which it is—that he wants to offer.

Mr. KING. I have two or three.

Mr. SMOOT. I do not know how many amendments will be offered.

The PRESIDENT pro tempore. The Senator from Montana continues to hold the floor. To whom does he yield?

Mr. WHEELER. Mr. President, it is quite apparent that we can not finish the Interior Department bill this afternoon; and I am going at this time to suggest the absence of a quorum.

Mr. HAYDEN. Mr. President, will the Senator yield before he does that?

Mr. WHEELER. I yield.

Mr. HAYDEN. I should like to make a suggestion to the Senator from Utah. All that the Senator from Montana seeks is to have the message from the President read. He does not ask to have any action taken upon it, but merely that the message may be read for the information of the Senate. If it is read, we might then proceed with the consideration of the Interior Department bill. The Senator does not ask, as I understand, to have any action taken.

The PRESIDENT pro tempore. It will be necessary to move that the Senate go into executive session before the message can be laid down.

Mr. WHEELER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Fletcher	King	Sheppard
Bingham	Frazier	La Follette	Shortridge
Black	George	McGill	Smith
Blaine	Gillett	McKellar	Smoot
Borah	Glass	McMaster	Thomas, Okla.
Bratton	Goff	Metcalf	Townsend
Brock	Goldsborough	Morrison	Trammell
Brookhart	Harris	Moses	Vandenberg
Broussard	Harrison	Norbeck	Walcott
Bulkley	Hayden	Norris	Walsh, Mont.
Capper	Hebert	Nye	Watson
Caraway	Heflin	Oddie	Wheeler
Connally	Howell	Partridge	Williamson
Davis	Johnson	Pine	
Deneen	Jones	Ransdell	
Fess	Kendrick	Robinson, Ind.	

Mr. GOFF. My colleague [Mr. HATFIELD] is absent on account of illness. I wish to have this statement stand for the day.

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, a quorum is present.

EXECUTIVE SESSION

Mr. WATSON. Mr. President, I understand there has been a desire on the part of some Senators to hear the President's message read. I am assuming that inasmuch as it refers to business of an executive character we ought to go into executive session.

Mr. SMOOT. We will have to in order to consider it.

Mr. WATSON. Therefore I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

FEDERAL POWER COMMISSION

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, ordered to lie on the table, and to be printed:

To the Senate of the United States:

I am in receipt of the resolution of the Senate dated January 5, 1931—

That the President of the United States be respectfully requested to return to the Senate the resolution advising and consenting to the appointment of George Otis Smith to be a member of the Federal Power Commission, which was agreed to on Saturday, December 20, 1930.

I have similar resolutions in respect to the appointment of Messrs. Claude L. Draper and Col. Marcel Garsaud.

On December 20, 1930, I received the usual attested resolution of the Senate, signed by the Secretary of the Senate, as follows:

Resolved, That the Senate advise and consent to the appointment of the following-named person to the office named agreeably to his nomination:

FEDERAL POWER COMMISSION

George Otis Smith, to be a member of the Federal Power Commission.

I received similar resolutions in respect to Colonel Garsaud and Mr. Draper.

I am advised that these appointments were constitutionally made, with the consent of the Senate formally communicated to me, and that the return of the documents by me and reconsideration by the Senate would be ineffective to disturb the appointees in their offices. I can not admit the power in the Senate to encroach upon the Executive functions by removal of a duly appointed executive officer under the guise of reconsideration of his nomination.

I regret that I must refuse to accede to the requests.

HERBERT HOOVER.

THE WHITE HOUSE, January 10, 1931.

The PRESIDENT pro tempore. Reports of committees are in order.

Mr. WALSH of Montana. Mr. President, I have before me the Executive Calendar, and I do not observe mention of the nominations of the President for three commissioners of the Federal Power Commission. Inasmuch as the action of the Senate in confirming these nominations on yesterday was reconsidered, I inquire by what right the executive clerk, who is charged with the duty of preparing the Executive Calendar, omitted these names from the Executive Calendar.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Chair is informed that it has been the custom not to put such nominations on the calendar until the papers are received back in the Senate.

Mr. WALSH of Montana. Such a custom could not possibly obtain, because there is no precedent, as was abundantly demonstrated in the discussion.

I move that the executive clerk be directed to revise the calendar by including the names of the three gentlemen.

Mr. WATSON. For what purpose does the Senator make that motion?

Mr. WALSH of Montana. The only purpose is to have the clerks observe their duty as to any action which may be taken with respect to a matter. I prefer that the matter stand over for a day or two.

Mr. WATSON. The Senator prefers that the motion be not pressed to-day. Does he want it to stand over?

Mr. WALSH of Montana. No; I spoke of the eventual disposition of the nominations. I am quite willing that they should stand over. But I do not think that we should tolerate for a moment the perfectly obvious disregard of their duties by the clerks at the desk.

Mr. MOSES. If the Senator will permit me, does the Senator maintain that the Senate can deal with a nomination when the nomination papers are not before us? For instance, I have in my hand a report from the Committee on Post Offices and Post Roads on behalf of the Senator from Mississippi, a great number of nominations. They can not go on the calendar until they are reported. A nomination can not go on the calendar unless the nomination is in hand, and we have not in hand the nominations to which the Senator refers; they are gone.

Mr. WALSH of Montana. I was prepared on yesterday to discuss that question, assuming that it would be presented. To my mind there is no obstacle whatever to proceeding, notwithstanding the fact that the papers are not present. I was prepared to sustain that contention upon the authority of Cushing upon Parliamentary Law, who clearly states that the papers are not necessary to confer jurisdiction upon the Senate, and his declaration of the matter is supported by repeated authorities of the House of Representatives referred

to. So that the absence of the notification to the President of the former action of the Senate in no way restricts its action. But bear in mind, I am not now asking for action. The matter is not now before us. I am simply now insisting that the calendar shall be corrected.

Mr. MOSES. That is the point I am trying to make, that the Senator is insisting upon having put upon the Executive Calendar now a set of nominations as reported from a committee when we have not the papers here upon which to do it.

Mr. WALSH of Montana. I can not see why the presence or the absence of the papers has a thing on earth to do with the question of whether these nominations should go upon the calendar, when the action of the Senate in confirming has been reconsidered. The matter goes back, as a matter of course, to its original status.

Mr. MOSES. I take the position that we can not deal with it out of thin air. Of course, I saw a lot of parliamentary prestidigitation here yesterday, but I would not say that that will continue as the uniform custom and practice of the Senate. Otherwise I am sure we would be in a tangle all the time.

Mr. WALSH of Montana. As to the unbroken practice, I repeat that we have not any practice for this particular case.

Mr. MOSES. Then, of course, it is unbroken, if we have not any.

Mr. NORRIS. Mr. President, I would like to allude to the fact that it is not contemplated by the Senator's motion that we take any action. The Senate actually reconsidered the votes by which these confirmations took place. We did not have the papers then. Let us assume, for the sake of the argument, that that was wrong. We have not reconsidered the action. The putting of the names on the calendar is not an action of the Senate, it is a ministerial act of the clerk of the Senate, nothing else. It is simply putting the names on the calendar in order that the question which the Senator raises may be properly raised. It is all right to raise that question when the Senate wants to act, but certainly no one can complain of the clerk following out what was his instruction yesterday when we reconsidered the confirmations. Nobody is asking for action. The motion does not contemplate it. But if the Senator wants the Senate to take action, if he wants to raise the point he raises, that the Senate can not act without the papers, the way to do it is to put the names on the calendar so as to afford an opportunity for the Senator to raise that very question.

Mr. MOSES. Mr. President, if the Senator from Montana will permit—

Mr. WALSH of Montana. I would like to make one further remark.

Mr. MOSES. The Senator from Montana has the floor.

Mr. WALSH of Montana. Yes; and I want to make one further observation with respect to this matter.

To those who put so much store by this little paper, whatever it may be, which is said to confer some kind of jurisdiction upon the Senate to act, and who contend that it can not act without some kind of paper before it, let me remark that just exactly the kind of a paper the Senator from New Hampshire now holds in his hand became the foundation of the action of the Senate. We had a message here from the President of the United States nominating these gentlemen. That is the paper upon which we proceeded. That paper is still here. So we have the paper upon which we are prepared to proceed. We voted upon that, and confirmed upon that paper. That paper still being before us, we voted to reconsider our action. That paper is still here as a foundation for the further action of the Senate. The notification we sent to the President when the Senate had confirmed is not the paper upon which our proceedings are founded at all.

Mr. MOSES. No; but if the Senator from Montana wishes to go far enough back, he need not pause with the message which the President of the United States sent to us; he can go back to the Rock of Ages and found his action upon that. I am talking about what is the practical custom

of preparing an Executive Calendar. The Senator knows perfectly well what the practice is here. The Senator knows that practice has never been ruptured. The Senator knows a message comes from the President, the names on it are presented, and nomination slips like the one I hold in my hand are prepared, the slips take their ordinary course through the committees, through the subcommittees, or whatever it may be, are reported here, and the names are put upon the Executive Calendar.

Mr. WALSH of Montana. If the Senator will pardon me, I do not know that that is the practice. I do not know that such a case has ever before arisen to give rise to a practice.

Mr. MOSES. No; but I am speaking about the practice up to the time we asked for the return of the resolution of confirmation.

Mr. WALSH of Montana. So am I.

Mr. MOSES. That is how the names get onto the calendar, and they get off the calendar by confirmation, and I maintain that they can not get back onto the calendar until we have the papers.

Mr. WALSH of Montana. The practice is for the clerks to make up a calendar of those things which are under consideration by the Senate.

Mr. MOSES. From the papers in their hands.

Mr. WATSON. Mr. President, will the Senator permit me to ask him a question?

Mr. WALSH of Montana. I yield.

Mr. WATSON. What is the object of putting the names on the calendar.

Mr. WALSH of Montana. As I have indicated to the Senator, my only purpose is to see that the clerks do their duty.

Mr. WATSON. Beyond that, I suppose it is the object of the Senator—

Mr. WALSH of Montana. Beyond that I state that I prefer to let the matter stand over for the day.

Mr. WATSON. But that is not sufficient. Beyond that I suppose the Senator wants the nominations voted upon again, and if they are voted down and rejected, then where will we be?

Mr. WALSH of Montana. That is a matter I have under consideration.

Mr. WATSON. I ask the Senator in all good faith, then, where are we? Would we not be just where we are now?

Mr. WALSH of Montana. Let me state my own conviction, that a subsequent vote, voting them down, rejecting the nominations, would be entirely futile, and so far as I am concerned I do not desire to pursue what I conceive to be a perfectly futile thing. If there were any proceeding in the law by which the title of these men to the offices which they now in fact occupy could be challenged, I should insist upon a vote on their confirmation or rejection. But there is no such proceeding so far as I know, and accordingly, inasmuch as it is impossible to test in court the right which they assert to these offices, it seems to me that the subsequent procedure would be futile, and for myself I am not desirous of going through a perfectly futile gesture.

Mr. WATSON. I was wondering whether the Senator wanted to take a preliminary step merely to correct the wrongdoing, if you please, of the clerks. What difference does that make?

Mr. WALSH of Montana. Of course, I understand perfectly well that the clerks are perfectly honest about this matter, but they have an entirely contrary view to my own as to what ought to be done in this particular case. The clerks take the position, and did take the position yesterday, that we could not even consider the motion to reconsider in the absence of the papers. That is why I suppose they have not put the names on the calendar. But I challenge that, and was prepared to challenge it yesterday, but it was not necessary because nobody raised the point.

Mr. WATSON. The fact of placing the names on the list would be of no consequence unless there is some subsequent action to be taken.

Mr. WALSH of Montana. I have submitted to-day only my own views about the matter. Other Senators may have different views.

Mr. MOSES. Is it the desire of the Senator that, having adopted this instruction to the clerks to place the names, and the names having been put back on the Executive Calendar, we shall stand confronted by the same kind of notation we find on page 1 of the existing Executive Calendar with reference to nominations for the Tariff Commission?

Mr. WALSH of Montana. I contend that they shall stand there until the Senate directs otherwise.

Mr. MOSES. That would mean printing business.

Mr. WHEELER. Mr. President, may I have the attention of the chairman of the Committee on Appropriations? I would like to ask him in what appropriation bill will occur the item for the salaries of the members of the Federal Power Commission?

Mr. JONES. It will be in the independent offices appropriation bill.

Mr. WHEELER. I want to state now that unless these men are out of office and the President of the United States has seen fit to cooperate with the Senate to the extent of getting rid of those who are now holding the office, namely, George Otis Smith and the other members of the commission, I propose to move that no appropriation be permitted for their salaries during the ensuing year.

Mr. WATSON. Mr. President, will the Senator permit a question?

Mr. WHEELER. Certainly.

Mr. WATSON. In order to do that does the Senator think it necessary that the names be placed on the calendar to be voted upon again?

Mr. WHEELER. I am not talking about that; but I am serving notice now that if the President of the United States feels that he can hide behind the advice that these men were legally appointed, then I think the Senate of the United States ought to vindicate itself and its judgment by simply saying that these men are not properly appointed and that we will withhold any appropriations for their salaries. So far as I am concerned, in view of the action that George Otis Smith took with reference to the discharge of two employees who have been fighting for common honesty and common decency in the Power Commission, if the President will not act and will not cooperate with the Senate in that matter, I feel that we should withhold any appropriation for their salaries.

Mr. JOHNSON. Mr. President, I want to make one thing very clear. I think the suggestion of the Senator from Montana is eminently fitting. Of course I have waited with bated breath for the message of the President, because of the doubt that I had as to what the President would do. I labored under the delusion perhaps that the President, seeing the error of his way, or the error of the way of the ministers of the "King," would, of course, act in accordance with the view of the Senate. But I want to make plain, so there will be no imputation of bad faith in the future in regard to the procedure, that while by no means have I any plan as to what shall be done if these names are placed on the Executive Calendar again, yet I do not want to be bound—and the Senator from Montana [Mr. WALSH] stated very plainly that he was speaking only for himself—by the fact that it has been stated here that subsequently no action would be taken concerning them. If any one of us shall feel advised subsequently sufficiently to require or to ask action by the Senate upon these matters, I want the Senator from Indiana [Mr. WATSON] to understand that we feel perfectly free to ask any action that we might think was appropriate in the premises.

Mr. MOSES. May I ask the Senator about his personal view? Does the Senator in that event want to have the Senate reject the nominations or confirm them and have a notification sent to the President? What lies in the Senator's mind?

Mr. JOHNSON. I say that my mind is entirely confused and in doubt because of the surprise that comes to me from the message of the President, and because of the matter that

is contained in the message. What is in my mind at the present time? Nothing in respect to action, but because the statement publicly was made here that no future action might be taken or would be taken by the Senator from Montana [Mr. WALSH] so far as he was aware, if these names went on the calendar again, I did not want, by my silence, to assent to that suggestion because there might come a time in the future where one of the various writs with which the Senator is familiar might be obtained with respect to these men, or whereby some other action might be desired to be taken. What it is I do not know. I have no plan of action at all. I say that with frankness to the Senator.

Mr. MOSES. Of course, I do not know what writ might be made to lie against the Senator from California or against any other Senator with reference to this matter.

Mr. JOHNSON. I do not know, either.

Mr. MOSES. Of course, I do know there will be pressure put upon the Senate for it to do once again what it has already done in a very important matter presented to the Senate, and that it will be once more asked in this matter to do what it has already done. As I remarked to the senior Senator from Montana [Mr. WALSH] when I engaged in the colloquy with him, this would be another of many futilities on the part of the Senate.

Mr. JOHNSON. That may be, but one more futility on the part of the Senate will not affect even the Senator from New Hampshire or myself.

Mr. MOSES. Oh, no; I quite agree, even though, as Ramsay MacDonald said to us about parity, we would have futilities pressed down and running over.

Mr. McKELLAR. Mr. President, will the Senator from California yield?

Mr. JOHNSON. Certainly.

Mr. McKELLAR. I want to give a similar notice to that given by the Senator from California. But I want to go a step farther. I think when the names are put on the calendar we ought to vote on them again, and if we do have the privilege of voting I want to have the privilege of voting against these gentlemen a second time. I voted against them before, and I want to vote against them again, because I think they are not men who ought to be put on the Federal Power Commission.

Mr. JOHNSON. I am not clear as to whether that should be done or not. I state that with all seriousness, but I simply again say that I do not want to be bound by any suggestion here that there would certainly be inaction concerning the names.

Mr. NORRIS. Mr. President, I would like to call the attention of the Senate again to what seems to me to be so perfectly plain, that putting these names on the calendar is only a clerical duty, a ministerial duty of the clerk. It is not for the clerk to say the Senate has no jurisdiction or that it has. By putting the names on the calendar he does not even express his own opinion about it. It does not interfere with any act or any point that anybody wants to raise. It is a part only of the action to be taken by the Senate.

Suppose the Journal clerk had said, "I will not record that action of the Senate where the vote to reconsider these names was taken," what would we say to him? He may say the Senate had no right to reconsider. Assuming that he was right, even though other Senators may think that we did something we had not a legal right to do, the clerk who keeps the record has not anything to do except to record what the Senate did.

When we reconsider any nomination the name automatically goes back on the calendar. If Senators then, when it comes up properly before the Senate, want to raise the point that all our action was without right and without jurisdiction, it is perfectly proper for them to raise it. Nobody wants to interfere with that right. Nobody is asking that the Senate take any action except to ask the clerk to do his duty.

Suppose when the vote was taken on this matter the clerk had said, "I will not read the roll call after it has been taken, because the Senate has no right to take this vote," what would we say to that? The clerk might have been

right. Perhaps we did not have any right to do it. But that question is not involved. It seems to me there can be no possible objection to putting the names on the calendar. The question is asked, "What is the Senate going to do when we get the names back on the calendar?" "Sufficient unto the day is the evil thereof." Suppose we had said to the clerk, "Call the roll," and he said, "I will not call the roll on this motion because you have no right to make it, and there should not be a vote on it." Could not he have said the same thing then that he might say now, that "the reason I did not put these names on the calendar is because I think the action is illegal?"

Mr. WATSON. Does the Senator think it makes any difference whether we have the papers here or not?

Mr. NORRIS. Not on this proposition. I am not going to argue the question as to whether we have jurisdiction to pass on it afterwards. We have gone a part of the way through. The clerk has not completed the record; that is all.

Mr. MOSES. Oh, but, if the Senator will permit me, of course I can not submit even to an implied criticism of the clerk.

Mr. NORRIS. The Senator does not need to do so. The Senator can defend the clerk. I am not making any accusation.

Mr. MOSES. By implication the Senator is.

Mr. NORRIS. All right. Then introduce a resolution to investigate me for making a wrongful charge.

Mr. MOSES. No; too many other Senators are already under investigation.

Mr. NORRIS. That still has not anything to do with it. It is requested here that the clerk be required to complete the record that has already been acted upon by the Senate.

Mr. MOSES. If the Senator will permit me, that has been completed and is in the Journal. The entry has been made in the Journal.

Mr. HEFLIN. Mr. President, a point of order.

Mr. NORRIS. Then let us have the names placed on the Executive Calendar.

The PRESIDING OFFICER. The Senator from Alabama desires to make a point of order. The Senator from Nebraska and the Senator from New Hampshire will suspend until the point of order is stated.

Mr. HEFLIN. I make the point of order that only one Senator should talk at a time. Two are talking at a time now.

Mr. GLASS. I make the point of order that the point of order is not well taken because three Senators are talking at a time. [Laughter.]

Mr. MOSES. Mr. President, will the Senator from Nebraska permit me?

The PRESIDING OFFICER. The Senator from Nebraska has the floor. Does he yield to the Senator from New Hampshire?

Mr. NORRIS. All right. I yield to the Senator. He did not ask me before to yield, but I yield to him now.

Mr. MOSES. I kept saying: "Will the Senator permit me?"

Mr. NORRIS. Very well; I yield now anyway.

Mr. MOSES. If we had passed a bill and sent it to the House of Representatives, and then wished to reconsider the action, and we had passed a resolution asking for the papers to be returned to us, and they had not come to this Chamber, would the Senator think that the clerk should thereupon put the bill back on the calendar?

Mr. NORRIS. There would not be any such proposition raised.

Mr. MOSES. It ought not to be raised in this case, then.

Mr. NORRIS. What always happens when we reconsider a nomination? Automatically, as a result of our action, right or wrong, the name goes back on the calendar. When the time comes that the calendar is called somebody raises the question that if we once do it it can be done again. But it was argued yesterday that we did not have jurisdiction, and that we can not do it. But if the names go back on the calendar several things may happen. I submit that nobody knows what may happen. So far as I

know, no one knows what will happen. The Senate may not agree on it, and it may take a motion to decide the question. When those names are on the calendar we can meet the matter in a legitimate way, but we can not meet it unless they are on the calendar.

Mr. WATSON. Mr. President, may I ask the Senator a question?

Mr. NORRIS. It would be in order when those names are printed on the calendar, and we go into executive session, and the calendar is taken up, for quite a number of things to be done. They would be debatable the same as they were before. They can be voted on again, confirmed again or rejected, or it would be in order to make a motion to refer them to a committee. That is something we will meet when we get to it, but in order to do that systematically the names ought to be on the calendar, and Senators ought not to object to putting the names on the calendar.

Mr. WATSON. Mr. President, will the Senator let me ask him a question?

Mr. NORRIS. Certainly; I yield to the Senator from Indiana.

Mr. WATSON. On yesterday the Senate voted first on the question of reconsideration of the confirmation of George Otis Smith. That motion was carried. Now suppose that, immediately following that, on the motion to request the President to return the papers in the Smith case, the Senate had voted the other way. Then could we put the name on the calendar?

Mr. NORRIS. I will answer that by suggesting another supposition. Suppose now while this motion is pending the Senator from Indiana, despite the excellent state of health in which he appears to be, should drop dead on the floor, and then suppose some Senator should make a motion to adjourn out of honor to our esteemed brother and friend.

Mr. WATSON. I have no doubt such a motion would carry.

Mr. NORRIS. And then suppose a second Senator should raise a point of order that another motion was pending, and that the motion to adjourn was out of order and could not be entertained, what would the Senate do? I do not know what they would do.

Mr. MOSES. A motion to adjourn is always in order.

Mr. NORRIS. But it would be necessary to confine the motion to the adjournment; it could not be modified in any way. However, whether the motion was in order or out of order, no matter what the Senator from New Hampshire may think about it, any Senator could raise the point that it was not in order, and the Senate could waste time over that. A million things could be supposed that might happen. There is not, however, anything asked here, there is nothing requested, except to have a ministerial duty performed.

Mr. WATSON. Let me say to the Senator that my theory is that the papers are not here, and therefore the clerk is under no obligation to place the names on the calendar. I asked the question therefore of the Senator in order to obtain his opinion. The Senate voted to reconsider. Are we not in the same position as if we had then turned around and voted not to ask the President to return the papers, for we have not the papers here?

Mr. NORRIS. Exactly; but we have asked that they be sent back.

Mr. WATSON. Yes; but we have not got them.

Mr. NORRIS. Suppose we had not as yet voted on that question, that there had been another calendar printed, and we had adopted a motion to reconsider, I think the names ought to appear on the calendar again because we had reconsidered.

Mr. WATSON. I do not think so.

Mr. NORRIS. Senators must not confuse with this proposition the legal question involved as to whether we have jurisdiction or have not. We have done a certain thing, and as a result of having done that certain thing these names ought automatically to go back on the calendar.

Mr. WALSH of Montana and Mr. SHORTRIDGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield first to the Senator from Montana.

Mr. WALSH of Montana. Something has been said about the absence of the papers. What papers are absent? The nominations of these men are before the Senate. Those are the papers which are the foundation of the action of the Senate; they are here. What are the papers that are asked for?

Mr. SHORTRIDGE. Mr. President, may I—

Mr. WALSH of Montana. Just a moment. The paper that is absent is a notification that was sent by the Senate to the President to the effect that the Senate had voted to confirm; that is all. Now, let me ask anyone upon what basis can it be urged that the absence of that paper affects the jurisdiction of the Senate?

Mr. WATSON. Only this, Mr. President—

Mr. NORRIS. The Senator from Montana asked me the question.

Mr. WATSON. He said "anyone."

Mr. NORRIS. Let us take the paper that the President ought to have sent back if he was going to comply with the request of the Senate. What would the paper have been? Would it have been the resolution which we adopted yesterday reconsidering our previous action? Would it have been the original nominations of these men, which I understand are still in the custody of the Senate and will remain there throughout all time? I think it is a myth mostly; but the point I particularly wanted to emphasize is that no rights will be lost if this motion should prevail; nobody's interest will be jeopardized; it is only a ministerial duty which it is requested shall be performed. The same point can be raised when the nominations come up legitimately; nobody will lose any right which he may think he may have on technical or constitutional grounds as to the action of the Senate. Those questions can be raised then, and probably will be, just as they were raised yesterday. I repeat that the putting of the names upon the calendar is no more on the part of a clerk than the reporting of the proceedings which took place here yesterday.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. NORRIS. I yield first to the Senator from California, who has been on his feet for some time.

Mr. SHORTRIDGE. The Senator from Montana introduced a resolution requesting the President to return certain papers. I presume the Senator considered their return of some legal importance.

Mr. NORRIS. No; I think the Senator from Montana when he did that—at least that was the effect of his action—was simply acting in compliance with the rules of the Senate that made such a motion mandatory.

Mr. SHORTRIDGE. Precisely; granted. We have heard much about the dignity and importance and constitutionality of the rules of the Senate, and the Senator from Montana, observing one of those rules, requested the return of certain papers lodged with the President. The President has seen fit to decline to comply with the Senate's request, and the papers in question are not here. Now I understand the Senator from Nebraska to advance the notion that the papers are of no consequence after all.

Mr. NORRIS. For argument's sake, let me admit that they possess all the importance the Senator wants to attach to them—I do not look upon them in that way, but I am willing, for the sake of the argument, to admit it—still, we are just asking the clerk to perform a ministerial duty.

Mr. SHORTRIDGE. I proceeded on the theory, if the Senator will permit me further, that the request made by the Senator from Montana, observing the rule, was for a certain purpose, and that if the request had been complied with, then these names could have taken their place, perhaps, on the calendar.

Mr. NORRIS. Why?

Mr. SHORTRIDGE. For future consideration by the Senate.

Mr. NORRIS. Oh, no.

Mr. SHORTRIDGE. But the papers have not come back.

Mr. NORRIS. No; according to the theory of those who think that we have no jurisdiction, no matter what the President might have sent back to us, the clerk would not have put the names on, because it is said that the Senate acted without jurisdiction. If the President had sent his whole library here to the Senate, it would not have had any effect upon the legality or the illegality of the Senate's action in reconsidering.

Mr. SHORTRIDGE. I grant that. If the Senator will allow me just one word more, then I will not further interrupt. I repeat myself, perhaps, when I say that I assume the request was made of the President for the purpose of having returned to us certain papers, and I assume that their return was considered a necessary step for the doing of something further. If these papers had been returned to us, then I concede that the nominations should take their proper place on the executive calendar, but the papers requested have not been returned; wherefore, it seems to me, we are now indulging again in another futile act.

If I may add just a word more, again begging the pardon of the Senator, the Senator from Montana, thoughtful as he is, says that he has not decided as to the future conduct or action of the Senate, and that that future action of the Senate in respect to this matter might be all futile. I took the liberty of saying yesterday that I thought our action would be futile in so far as the President complying with our request was concerned. Now I respectfully submit that this would be another futile act on our part, if future action is contemplated with respect to these nominations or these officials. I suppose a motion like the one before us can be made, but there is no necessity whatever for the names of these former nominees, now officials, literally to appear on a paper called a calendar. The record shows what was done.

Mr. McKELLAR. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I will yield in just a moment. I wish to refer to what the Senator from California has said. In closing his statement he said that the record was just the same as though the names should actually appear on the calendar. The Senator may be right about that. The calendar, after all, is merely evidence of certain things, just as a certificate of election is only evidence of the fact of election. A Senator could take the office; he would be entitled to be sworn in to office if no certificate had ever been issued to him, provided he had been legally elected or appointed, as the case may be. It may be that the Senator from California is right about that. If that is true, then it would be in order to take up these nominations at any time when we have an executive session. If the clerk did not read the names, any Senator would have a right to have the names placed before the Senate. As a matter of convenience, however, the Senate has by its action, if not by a definite rule, provided a calendar for the assistance and benefit of Senators, and also for the benefit of the clerk and the presiding officer, in passing on nominations. When they have reached that stage and are ready for action by the Senate, for the convenience of the Senate, they are put upon a calendar. I am inclined to think the Senator is right; that if they were not placed there, it would be in order for any Senator to demand, when we were considering nominations, to have the nominations read and placed before the Senate.

I have before me here a calendar, from which I read that Eugene Santschi, jr., has been promoted in the Regular Army. Suppose the clerk had not put that name on the calendar. The reason it is on the calendar is, as I have said, for the convenience of Senators, to enable them to conduct business in an orderly way. Suppose the clerk had omitted it, though, as a matter of fact, it was entitled, just as all other reported nominations, to be placed on the calendar; it would probably be in order for the Senator from California to demand, and have his demand complied with, that that nomination, which had been reported by a committee, should be placed before the Senate just the same

as though it had been on the calendar. It may be that that will apply to the nominations now in question.

That only shows, Mr. President, that the putting of names on the calendar, while in itself unimportant, is a clerical duty of an employee of the Senate to perform; and that is all that is asked for here.

Mr. FESS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. FESS. I understand that there has been a motion made to have these names put on the calendar?

Mr. NORRIS. Yes.

Mr. FESS. For the protection of the clerk let me say I have a list of precedents here as to the procedure of the Senate in the past with reference to the return of measures from the House of Representatives, which precedents were followed in this case.

Mr. NORRIS. Nobody is trying to criticize the clerk; nobody is trying to find fault with him.

Mr. WATSON. Oh, no.

Mr. McKELLAR. Mr. President—

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. Suppose without an order directing him to do so the Secretary had by mistake sent the notifications to the President, and thereupon the motion was made within the two days asking the President to return the notifications; would anybody have contended, under such circumstances, if the President had refused, that the Senate would not have the power to go on and reconsider the nominations? I think not. The mere fact that the order did go to the President has not changed the situation at all. I think it is clearly the duty of the clerk to put the names on the calendar.

Mr. GLASS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. GLASS. What is before the Senate?

The PRESIDING OFFICER. The motion of the Senator from Montana [Mr. WALSH] to direct the executive clerk to place certain names on the Executive Calendar.

Mr. NORRIS. The Senator is satisfied now, I suppose. I have not anything further to say.

Mr. BINGHAM. Mr. President, the Senator from Nebraska has talked a great deal about "orderly procedure"; and yet what he is proposing is directly contrary to orderly procedure.

The Senate, in the interest of orderly procedure, has made a rule that when a bill has passed the Senate and the Senate desires to reconsider it, and the bill has gone over to the House of Representatives, the motion to reconsider must be accompanied by a motion to ask the House to return the papers. If the House refuses to return the papers, of course we can not act and do not act on it, and the bill is never put on the calendar. That is in the interest of orderly procedure, so that there may not be before the two bodies at one and the same moment the same ghostly paper.

The Senator from Montana contends that because the nomination which the President sent down is in the files of the Secretary of the Senate, and will remain there as long as the paper lasts, therefore we have the right to consider it. The same thing might prevail with regard to a bill. The original bill that is introduced is in the files of the Secretary of the Senate. That is not sent to the House. The House is merely notified that we have passed a certain bill; but in order that we may reconsider it and in order that it may go back to the calendar we ask the House to return the papers.

In the interest of orderly procedure the rule has been made that we must ask for a return of the papers before we can consider the matter again and put it on the calendar. It seems to me that to require the clerk to place upon the calendar something which is not before us, because we have sent the papers to the House or to the President, is not in the interest of orderly procedure.

Mr. WALSH of Montana. Mr. President, just a word to make clear the situation.

The clerks at the desk have taken the position that the Senate is without power to entertain a motion to reconsider a nomination until the papers are first returned here; and they so advised the Vice President, and the Vice President took that position. The Senate, however, on yesterday determined otherwise. The Senate on yesterday entertained the motion to reconsider in the absence of the papers.

Now, if the executive clerk will give me his attention—

Mr. WATSON. Mr. President, will the Senator permit a question right there?

Mr. WALSH of Montana. Yes.

Mr. WATSON. A part of the Senator's own resolution contained a provision asking for the return of the papers.

Mr. WALSH of Montana. Yes.

Mr. WATSON. If that is of no value in the world and played no part in the whole matter, why did the Senator put that in his resolution?

Mr. WALSH of Montana. I do not care to discuss that now. I desire to address myself to the question of the duty of the clerk.

The clerk had the idea that the Senate could not entertain the motion to reconsider at all until the notification sent to the President had been returned. The Senate took a different view about it, and said, "We have the power," and then proceeded to entertain the motion to reconsider. Then the clerk should have abandoned his contention and acted in accordance with the action of the Senate. He still entertains the notion that we have no power, but we determined otherwise; and accordingly it was his duty, when the vote was reconsidered, to put the matter back on the calendar.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. FESS. In case the Senator's motion is carried, and the clerks thereby put the names upon the calendar, will that stand as a precedent when we send for the papers in the House? If they refuse to send them back, must we put the bill on the calendar?

Mr. WALSH of Montana. Let me remark that I conceive the two cases to be entirely different. When a bill is introduced in the House, and that bill is sent over here, and we dispose of it here and send it back to the House, when we vote to reconsider that bill, I dare say there is much to the contention that we can not proceed until the bill is in our physical possession. Everybody concedes, however, that that is not this case. There is not anything at all in the possession of the President of the United States upon which we are obliged to act.

Mr. BINGHAM. Mr. President, why did the Senator insist on a roll-call vote on his motion to send back the papers? If they are of no value at all, why insist on sending them back?

Mr. GLASS. The papers in that case were simply a notification to the President of the action of the Senate.

Mr. BINGHAM. Then why ask to have them sent back, if they were merely a notification? He got that from the newspapers.

Mr. GLASS. It was a mere form to have the President disregard the notification; that is all.

Mr. FESS. Mr. President, I desire to ask the Senator from Montana, the author of the motion, for the information of the clerks hereafter, if this motion carries, whether that does not carry with it the instruction to them, in the case of a House matter, to change the rules of procedure that they have been following.

Mr. WALSH of Montana. If the Senate shall ever reconsider its action in passing a bill, it is no affair of the clerks where the papers are. If the Senate reconsiders a vote on a bill, it is the duty of the clerks to put that bill back on the calendar; and they are not to entertain any question as to whether the Senate had a right or did not have a right to entertain that motion in the absence of the papers.

Suppose the Senate did reconsider a bill without the papers having come back from the House: Would the Senator from Ohio entertain the view that it was not the duty of the clerks to put that bill back on the calendar?

Mr. FESS. The Senator from Ohio thinks that if the Senate has rules, it ought to respect the rules and not each day change the rules.

Mr. WALSH of Montana. Yes; but the Senator must concede that we have reconsidered the vote by which the bill was passed. We have not waited until the papers come back. We have already done so; and the simple question is, Are the clerks justified in saying, "We will not put this matter back on the calendar because the papers have not come back from the House?"

Mr. FESS. I should think the parliamentary clerk ought to observe the rule in his instruction of the Vice President; but the clerks or the reporters who are reporting the proceedings in the Senate will proceed to report exactly what takes place. My concern is, for the sake of the clerks, whether this is an instruction to them that in the matter of the procedure between us and the House they are to change the plan that we have always followed here.

Mr. WALSH of Montana. Not at all. If the Senate ever does reconsider a vote without the papers, the papers being over in the House, if it actually reconsiders the vote the clerks should put that bill back on the calendar.

Mr. FESS. Let me ask the Senator: If the Senate reconsiders the vote before the bill is returned from the House, is it reconsidered?

Mr. WALSH of Montana. Undoubtedly it is.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. WALSH]. [Putting the question.] The Chair is in doubt.

Mr. WALSH of Montana. I call for a division.

Mr. BRATTON. I call for the yeas and nays.

Mr. BINGHAM. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Kendrick	Shipstead
Barkley	Fess	King	Shortridge
Bingham	Fletcher	La Follette	Smith
Black	Frazier	McGill	Smoot
Blaine	George	McKellar	Steiwer
Borah	Glass	McMaster	Thomas, Okla.
Bratton	Goff	Metcalf	Townsend
Brookhart	Goldsborough	Morrison	Vandenberg
Broussard	Gould	Moses	Walcott
Bulkeley	Harris	Norbeck	Walsh, Mont.
Capper	Hayden	Norris	Watson
Caraway	Hebert	Nye	Wheeler
Connally	Heflin	Oddie	Williamson
Copeland	Howell	Pine	
Davis	Johnson	Ransdell	
Deneen	Jones	Sheppard	

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Montana.

Mr. WATSON. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. KENDRICK (when Mr. CAREY's name was called). My colleague [Mr. CAREY] is unavoidably absent. If he were present, he would vote "nay."

Mr. FLETCHER (when his name was called). I have a pair with the Senator from New Jersey [Mr. KEAN]. I transfer that pair to my colleague [Mr. TRAMMELL] and vote "yea."

Mr. GEORGE (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. KING (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. HASTINGS]. I am unable to obtain a transfer. If I were permitted to vote, I should vote "yea."

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. I transfer that pair to the Senator from Oregon [Mr. McNARY] and vote "nay."

Mr. THOMAS of Oklahoma (when his name was called). I have a general pair with the Senator from Illinois [Mr.

GLENN]. I transfer that pair to the Senator from New Mexico [Mr. CUTTING] and vote "yea."

The roll call was concluded.

Mr. WATSON. My colleague [Mr. ROBINSON] is absent from the Senate Chamber because of a death in his family. He is paired with the Senator from Mississippi [Mr. STEPHENS]. If my colleague were present and permitted to vote, he would vote "nay."

Mr. BULKLEY (after having voted in the affirmative). Mr. PRESIDENT, has the junior Senator from Wyoming [Mr. CAREY] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. BULKLEY. Then I desire to withdraw my vote. I voted in the affirmative, and I desire to withdraw my vote because I have a pair with the Senator from Wyoming.

Mr. COPELAND (when Mr. WAGNER's name was called). My colleague [Mr. WAGNER] is necessarily detained from the Senate. He has a general pair with the junior Senator from Missouri [Mr. PATTERSON]. If my colleague were present and permitted to vote, he would vote "yea."

Mr. MORRISON. I desire to announce that my colleague the Senior Senator from North Carolina [Mr. SIMMONS] is necessarily out of the city. If he were present and permitted to vote, he would vote "yea." He is paired with the senior Senator from Massachusetts [Mr. GILLET].

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. MORROW] with the Senator from Tennessee [Mr. BROCK];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Massachusetts [Mr. WALSH];

The Senator from West Virginia [Mr. HATFIELD] with the Senator from Missouri [Mr. HAWES];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Massachusetts [Mr. ROBINSON] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Maine [Mr. HALE] with the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 36, nays 23, as follows:

YEAS—36

Ashurst	Copeland	Howell	Nye
Barkley	Dill	Johnson	Pine
Black	Fletcher	La Follette	Sheppard
Blaine	Frazier	McGill	Shipstead
Borah	George	McKellar	Smith
Bratton	Glass	McMaster	Thomas, Okla.
Brookhart	Harris	Morrison	Walsh, Mont.
Caraway	Hayden	Norbeck	Wheeler
Connally	Heflin	Norris	Williamson

NAYS—23

Bingham	Goff	Metcalf	Steinwer
Broussard	Goldsborough	Moses	Townsend
Capper	Gould	Oddie	Vandenberg
Davis	Hebert	Ransdell	Walcott
Deneen	Jones	Shortridge	Watson
Fess	Kendrick	Smoot	

NOT VOTING—37

Blease	Harrison	Patterson	Swanson
Brock	Hastings	Phipps	Thomas, Idaho
Bulkley	Hatfield	Pittman	Trammell
Carey	Hawes	Reed	Tydings
Couzens	Kean	Robinson, Ark.	Wagner
Cutting	Keyes	Robinson, Ind.	Walsh, Mass.
Dale	Kling	Schall	Waterman
Gillett	McNary	Simmons	
Glenn	Morrow	Steck	
Hale	Partridge	Stephens	

So the motion of Mr. WALSH of Montana was agreed to, and the executive clerk was directed to place on the Executive Calendar the names of George Otis Smith, Marcel Garsaud, and Claude L. Draper.

REPORTS OF COMMITTEES

The PRESIDENT pro tempore. Reports of committees are in order.

Mr. McKELLAR. Mr. President, I report favorably from the Committee on Post Offices and Post Roads a number of nominations for the calendar.

The PRESIDENT pro tempore. The report will be received and the nominations placed on the Executive Calendar.

Mr. McKELLAR. I also report favorably from the same committee several nominations of postmasters in the State of Mississippi and, at the request of the senior Senator from Mississippi [Mr. HARRISON], ask for their immediate consideration.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and, without objection, the nominations are confirmed.

Mr. WATERMAN reported favorably, from the Committee on Patents, the nomination of James Walter Clift, of Michigan, to be examiner in chief of the United States Patent Office.

STATEMENT OF PRESIDENT HOOVER

Mr. WHEELER. Mr. President, I understand that the President of the United States has issued a statement supplemental to the statement he sent to the Senate, and in this statement given out to the press outlining his position on the power fight he asserts, in substance, that the Senate was attempting to symbolize Hoover as the defender of the Power Trust.

I am at a loss to understand just how the President could come to that conclusion, for the simple reason that most of us, when we called attention to what the facts were in connection with the matter, suggested that as a matter of fact we did not believe the President of the United States knew what the facts were, and that had he known what the facts were in the case, he would immediately have acted and would have insisted that Mr. Russell and Mr. King be retained by the commission. But it would seem now that by his action to-day he was attempting to protect those who are fighting in the interest of the Power Trust on the commission, and seeking, if you please, to punish those who have been diligent in fighting in the interest of the people's rights and for common decency and common honesty up there on the Power Commission.

I do not know how anybody could come to any other conclusion, in view of the facts in the case.

Mr. SHORTRIDGE. Mr. President, no one is justified in reaching the conclusion which the Senator from Montana appears to have reached. No fact has developed or exists which justifies the conclusion apparently reached by the Senator from Montana. No fact exists which justifies the Senator from Montana or any other Senator in saying that the President is in league with or cooperating with any trust as against the people of our country.

Mr. WHEELER. Mr. President, notwithstanding the Senator from California, I still maintain that assertion, and I say that I am much more justified in coming to that conclusion than is the President of the United States in coming to the conclusion which he has stated, that the Senate of the United States was trying to symbolize Hoover as the defender of the Power Trust.

THE CALENDAR

The PRESIDENT pro tempore. The clerk will proceed with the call of the calendar.

IN THE ARMY

The Chief Clerk read the nomination of First Lieut. Louis William Haskell to be transferred to Field Artillery.

The PRESIDENT pro tempore. Without objection, confirmed.

Mr. McKELLAR. Mr. President, may not these Army nominations be confirmed en bloc?

The PRESIDENT pro tempore. They may be, without objection.

Mr. McKELLAR. I ask unanimous consent that they be confirmed en bloc.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the balance of the nominations in the Army be confirmed en bloc.

Mr. NORRIS. As I understand the Chair there would be no use in objecting. He announced they were confirmed anyway. I do not want to object, but the Chair said they would be confirmed without objection.

The PRESIDENT pro tempore. Without objection they would be confirmed.

Mr. NORRIS. Of course, the Chair may be able to see so far into the future as to predict that nobody would object.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the nominations are confirmed en bloc, and without objection—

Mr. LA FOLLETTE. I object.

The PRESIDENT pro tempore. That completes the calendar.

RECESS

Mr. WATSON. Mr. President, as in legislative session, I move that the Senate take a recess until Monday at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 57 minutes p. m.) took a recess until Monday, January 12, 1931, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 10 (legislative day of January 5), 1931

APPOINTMENT IN THE ARMY

GENERAL OFFICER

William Sharp McNair to be brigadier general, Field Artillery.

TRANSFERS IN THE ARMY

First Lieut. Louis William Haskell to Field Artillery.

Second Lieut. Henry Joseph Hoeffler to Corps of Engineers.

PROMOTIONS IN THE ARMY

Walter Eugene Gunster to be colonel, Infantry.

Melvin Guy Paris to be lieutenant colonel, Infantry.

Irvin Vorus Todd to be major, Finance Department.

Harry Gage Montgomery to be captain, Air Corps.

Gustavus Wilcox West to be first lieutenant, Cavalry.

George Peter Berilla, jr., to be first lieutenant, Cavalry.

Douglas Hall to be first lieutenant, Medical Administrative Corps.

Louis Felix Williams to be second lieutenant, Medical Administrative Corps.

Frank Randle Day to be second lieutenant, Medical Administrative Corps.

William Joseph Henry to be second lieutenant, Medical Administrative Corps.

Horace Fennell Sykes to be colonel, Adjutant General's Department.

Oliver Prescott Robinson to be colonel, Infantry.

William Ernest Persons to be colonel, Infantry.

Henry Clay Miller Supplee to be colonel, Infantry.

William Kern Moore to be colonel, Field Artillery.

David Yulee Beckham to be colonel, Adjutant General's Department.

John Overton Steger to be colonel, Adjutant General's Department.

William Jackson McCaughey to be lieutenant colonel, Infantry.

Eugene Ross Householder to be lieutenant colonel, Adjutant General's Department.

Eugene Santschi, jr., to be lieutenant colonel, Infantry.

William Addleman Ganoe to be lieutenant colonel, Infantry.

Elmer Franklin Rice to be lieutenant colonel, Infantry.

Edwin Colyer McNeil to be lieutenant colonel, Judge Advocate General's Department.

Augustine Warner Robins to be lieutenant colonel, Air Corps.

Romeo Henry Freer to be major, Quartermaster Corps.

Horatio Grant Coykendall to be major, Finance Department.

Thomas William Doyle to be major, Infantry.

Henry Hockwald to be major, Quartermaster Corps.

Carroll Morton Gale to be major, Infantry.

John Louis Shanley to be major, Quartermaster Corps.

Odber Merrill Cutler to be major, Infantry.

Fred Cyrus Nelson to be captain, Air Corps.

James Andrew Healy to be captain, Air Corps.

Edward Moses Morris to be captain, Air Corps.

Everett Foster Rea to be captain, Finance Department.

Charles Douglas to be captain, Air Corps.

James Elmer Boush to be captain, Quartermaster Corps.

Hugh Albert Bivins to be captain, Air Corps.

Maybin Homes Wilson to be captain, Corps of Engineers.

Burton Frederick Lewis to be captain, Air Corps.

Elmer John Bowling to be captain, Air Corps.

Orin Jay Bushey to be captain, Air Corps.

Samuel S. Burgey to be captain, Ordnance Department.

Fred Sidney Borum to be captain, Air Corps.

Lawrence Carmel Jaynes to be captain, Infantry.

Branner Pace Purdue to be first lieutenant, Infantry.

George Joseph Deutermann to be first lieutenant, Field Artillery.

George Arthur Grayeb to be first lieutenant, Field Artillery.

Hayden Young Grubbs to be first lieutenant, Field Artillery.

William Albert Fuller to be first lieutenant, Cavalry.

Ralph Edmund Tibbetts to be first lieutenant, Infantry.

Edwin Lynds Johnson to be first lieutenant, Field Artillery.

Clyde Eugene Steele to be first lieutenant, Infantry.

Ernest Holmes Wilson to be first lieutenant, Infantry.

Norman Holmes Smith to be first lieutenant, Field Artillery.

John Wingo Dansby to be first lieutenant, Infantry.

Robert Milchrist Cannon to be first lieutenant, Field Artillery.

Charles Cavelli, jr., to be first lieutenant, Field Artillery.

Thomas Byrd Whitted, jr., to be first lieutenant, Field Artillery.

James Wilbur Mosteller, jr., to be first lieutenant, Coast Artillery.

Arthur Benedict McCormick to be major, Dental Corps.

Charles Oliver Purdy to be chaplain with the rank of major.

POSTMASTERS

MISSISSIPPI

Sallie P. Flemming, Cruger.

Charlie M. Breazeale, Ethel.

William D. Woods, Houston.

Walter L. Goodman, Iuka.

Erskine C. Cloon, Jackson.

Amy E. Axtell, Madison Station.

Ocran C. Elliott, Nettleton.

Alfred L. King, Vance.

HOUSE OF REPRESENTATIVES

SATURDAY, JANUARY 10, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, when we consider the forces which would destroy and obliterate the divinity in man and the currents which are sometimes like irresistible gulf streams, how unspeakably grateful we are that Thou art a God of wisdom and a God of love. As we exist in weakness, stumbling through the world, Thou dost bear us along. Thou wilt surely brood man until he reaches the stature of his spiritual manhood. We thank Thee for the generosity of the infinite heart and for the hand that supplies all our necessities until the whole divine scheme is made perfect. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.